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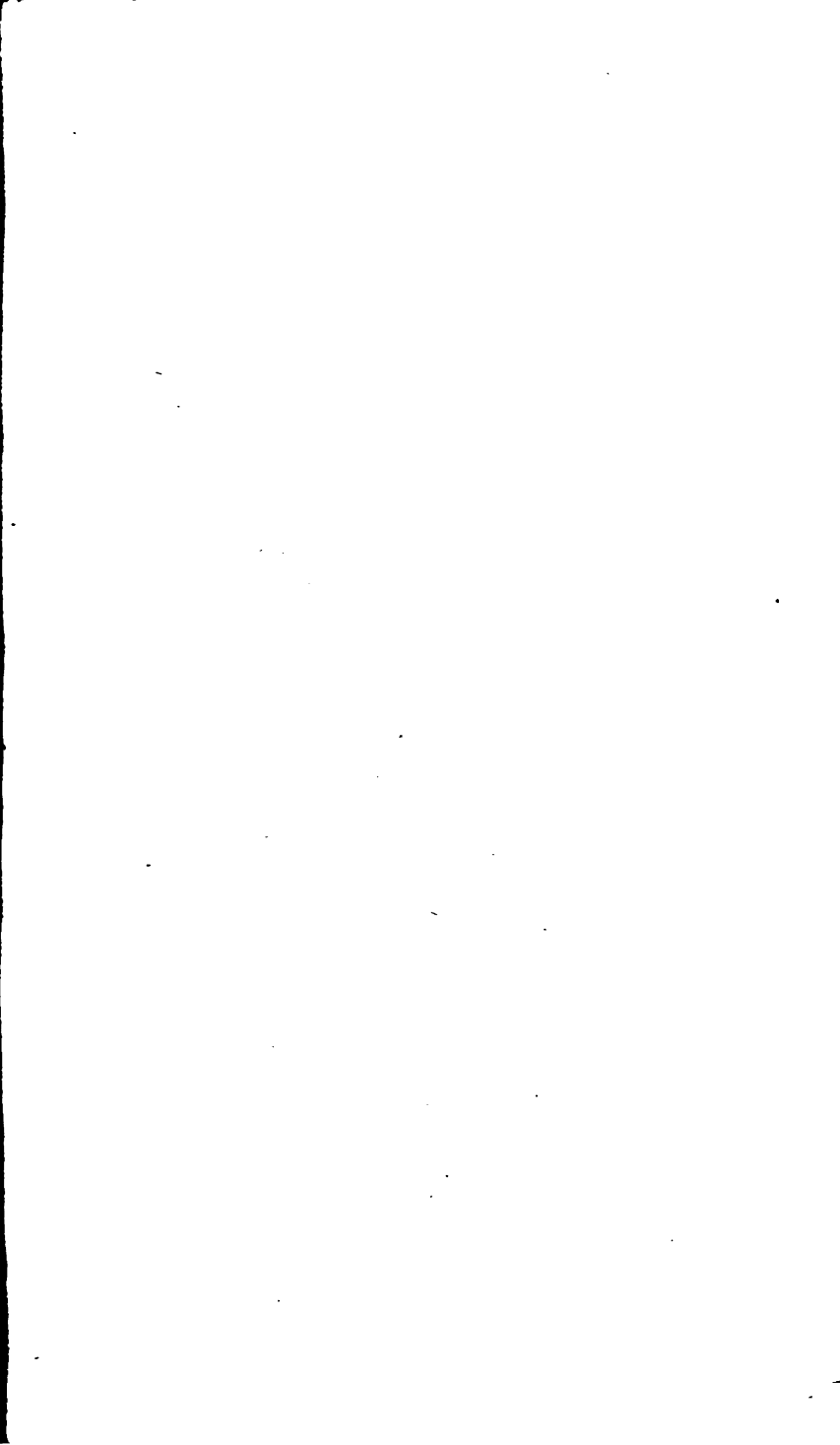
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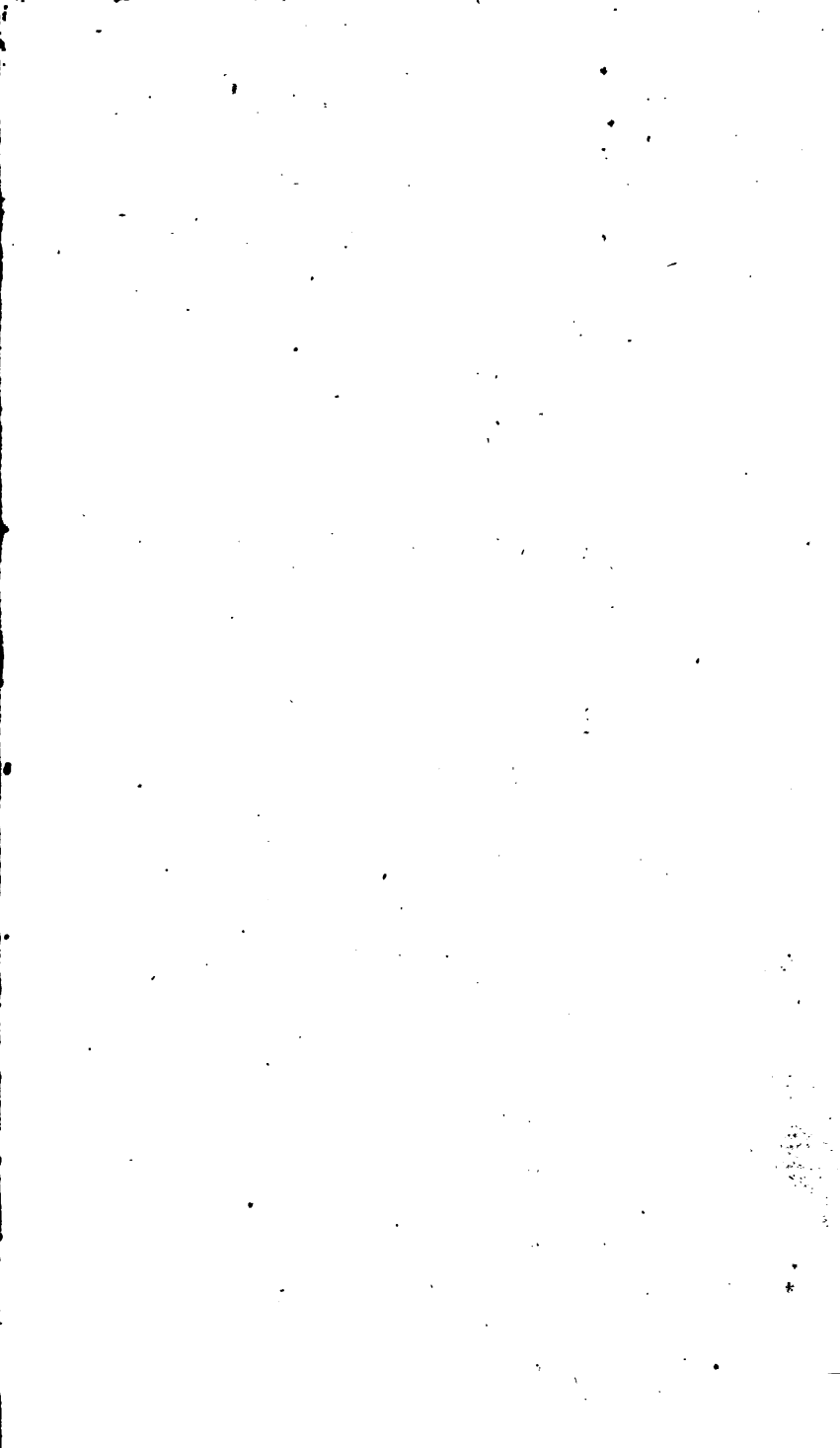




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THE
HISTORY and PROCEEDINGS
Of the HOUSE of
C O M M O N S
OF
E N G L A N D.

WITH THE
SPEECHES, DEBATES, and
CONFERENCES between the
Two Houses;

THROUGH EVERY SESSION

From the Year 1660.

Faithfully collected from the best Authorities,
AND
Compared with the JOURNALS of PARLIAMENT,

T O M E I.



L O N D O N:
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IN THE

House of Commons,

FROM THE

RESTORATION.

NOT to enter into the Controversy, if it will admit of one, whether the Representatives of a People are accountable to their Constituents; or scrutinize whether it ought to be deem'd an Offence, to lay the Proceedings of our Representatives before those they represent; this is certain, that no History, or Dissertation on State-Affairs of any Kind whatever, is, in any Respect, so serviceable, as a View of our Parliamentary Transactions; especially, if diligently collected, regularly digested, and deliver'd with Candour and Perspicuity. For, by this Means we examine Parties by their own Light, adjust their Characters by their Actions, not their Pretensions, and enable ourselves to form a right Judgment of the Present by the Past: Arguments appear with more Force in the Mouths of the Speakers, than in the most lively Narration: We become acquainted with the Men, their Motives, Prejudices, Capacities and Virtues, as well as the Subjects they canvass; nay, we seem present, become Parties in the most important Debates, and have the Pleasure of approving, or opposing both Patriot, and Minister in turn, as Artifice or Prejudice discovers itself in either, to the Dis-

TOME I.

A

honour

Anno 12 Car. II.
1660.

honour of Truth, and the Detriment of the Commonwealth. Here, likewise, the true Grounds and Reasons of every new Law are to be found; the Necessities, real or pretended, for annual and incidental Supplies, together with their Use and Application: The Progress, or Redress of Grievances: And, in fine, whatever serves to impair or preserve the Constitution.

Of this comprehensive Nature is the noble Work before us; and, consequently, how much is it to be lamented, that it was not set on foot long ago: That the Good and Ill of every Parliament, nay every Session, might have been more particularly known; and the principal Actors in each, branded with the Infamy, or rewarded with the Honour which their honest, or corrupt Behaviour deserv'd?

No Cost, or Diligence, however, has been spar'd to glean up every valuable Relique that Time has left us, either to illustrate or adorn this Collection; which we hope, we may, without Vanity, affirm to be the most perfect extant.

The Period from whence we set out, is that most remarkable one of the Restoration: When the Wheels of Government return'd to their antient Track; and from whence, as will appear in the Course of these Papers, they again deviated by Degrees, till the Appearance of a new System of arbitrary Power brought on the Revolution. This Interval contains one complete Section of the British Story. That from the Proclamation of William and Mary to the Death of the late Queen Anne, another. And as to the Determination of the next which ensued, it must be left to some future Historian.

The fluctuating State of the Public Affairs, after the Death of the great Cromwell, having, at last, lodg'd all Power in the Army; and Monk, their General, having either too much Honesty, or too little Genius to sway the Sceptre himself; a way was open'd for the hitherto-unfortunate King Charles, to become a Sovereign in Fact, as well as Name: Previous to which extraordinary Event, he was pleas'd to send Sir John Grenvil from Breda, with several Dispatches, and among the rest, the following Letter to (Sir Harbottle Grimstone) the Speaker of the House of Commons.

‘ CHARLES R.

‘ **T**Rusty, and Well-beloved, We greet you well: In these great and insupportable Afflictions and Calamities under which the poor Nation hath been so long exercis'd, and by which it is so near exhausted, We cannot think of a more near and proper Remedy, than to resort to those for Counsel and Advice, who have seen, and observ'd the first Beginning of our Miseries, the
‘ Pro-

The King's
Letter from
Breda to the
House of Com-
mons.

Progress from bad to worse, and the Mistakes and Misunderstandings which have been produc'd, and contributed to Inconveniences which were not intended; and, after so many Revolutions, and the Observation of what hath attended them, are now trusted by our good Subjects to repair the Breaches which are made, and to provide proper Remedies for those Evils, and for the lasting Peace, Happiness, and Security of the Kingdom.

We do assure you, upon our Royal Word, that none of our Predecessors have had a greater Esteem of Parliaments, than we have in our Judgment, as well as from our Obligation: We do believe them to be so vital a Part of the Constitution of the Kingdom, and so necessary for the Government of it, that We well know neither Prince nor People can be in any tolerable Degree happy without them; and therefore you may be confident, That we shall always look upon their Counsels, as the best we can receive; and shall be as tender of their Privileges, and as careful to preserve and protect them, as of that which is most dear to Ourselves, and most necessary for our own Preservation. And as this is our Opinion of Parliaments; so We are most confident, That you believe and find, that the Preservation of the King's Authority is as necessary for the Preservation of Parliaments; and that it is not the Name, but the right Constitution of them, which can prepare and apply proper Remedies for those Evils which are grievous to the People, and can thereby establish their Peace and Security. And therefore we have not the least Doubt, but that you will be tender in, and as jealous of, any Thing that may infringe our Honour, or impair our Authority, as of your own Liberty and Property; which is best preserved by preserving the other.

How far we have trusted you in this great Affair, and how much it is in your Power to restore the Nation to all that it hath lost, and to redeem it from any Infamy it hath undergone, and to make the King and People as happy as they ought to be, you will find by our inclos'd Declaration; a Copy of which we have likewise sent to the House of Peers: And you will easily believe, that we would not voluntarily, and of Ourselves, have reposed so great a Trust in you, but upon an entire Confidence that you will not abuse it, and that you will proceed in such a Manner, and in such a due Consideration of Us, who have trusted you, that we shall not be ashamed of declining other Assistance, (which we have Assurance of) and repairing to you for more natural and proper Remedies for the Evils we would be freed from; nor

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' Sorry, that we have bound up our own Interests so entirely
' with that of our Subjects, as that we refer it to the same
' Powers to take care of us, who are trusted to provide
' for them.

' We look upon you as wise, dispassionate Men, and good
' Patriots, who will raise up those Banks and Fences which
' have been cast down, and who will most reasonably hope,
' That the same Prosperity will again spring from those
' Roots, from which it hath heretofore and always grown;
' nor can we apprehend that you will propose any Thing to
' Us, or expect any Thing from Us, but what We are as
' ready to give, as You to receive.

' If you desire the Advancement and Propagation of the
' Protestant Religion, we have, by our constant Profession,
' and Practice of it, given sufficient Testimony to the World,
' that neither the Unkindness of those of the same Faith
' towards Us, nor the Civilities and Obligations from those
' of a contrary Profession, (of both which we have had an
' abundant Evidence) could, in the least Degree, startle us;
' or make us swerve from it: and nothing can be propos'd
' to manifest our Zeal and Affection for it, to which we will
' not readily consent. And we hope, in due Time, to pro-
' pose somewhat to you for the Propagation of it, that
' will satisfy the World that we have always made it both
' our Care and Study, and have enough observ'd what is
' most likely to bring Disadvantage to it.

' If you desire Security for Those who, in these calami-
' tuous Times, either wilfully or weakly have transgress'd
' those Bounds which were prescribed, and have invaded
' each others Rights, We have left to you to provide for
' their Security and Indemnity, and in such a Way, as you
' shall think just and reasonable; and by a just Computation
' of what Men have done and suffer'd, as near as is possible,
' to take care that all Men be satisfy'd.

' If there be any crying Sin, for which the Nation may
' be involv'd in the Infamy that attends it, We cannot doubt
' but that you will be as solicitous to redeem it, and vin-
' dicate the Nation from the Guilt and Infamy, as We can.
' If you desire that Reverence and Obedience may be paid
' to the fundamental Laws of the Land, and that Justice
' may be equally and impartially administer'd to all Men, it
' is that which We desire to be sworn to Ourself, and that
' all Persons in Power and Authority should be so too. In
' a word, there is Nothing that you can propose that may
' make the Kingdom happy, which we will not contend
' with you to compass; and, upon this Confidence and As-
' surance, We have thought fit to send you this De-
' claration, that you may, as much as is possible at this

' Distance,

Distance, see our Heart, which, when God shall bring us nearer together (as we hope he will do shortly) will appear to you very agreeable to what we have profess'd; and we hope that we have made that right Christian Use of our Afflictions, and that the Observation and Experience, we have had in other Countries have been such, as that we, and we hope all our Subjects, shall be the better for what we have seen and suffer'd.

We shall add no more but our Prayers to Almighty God that he will bless your Counsels, and direct your Endeavours, that his Glory and Worship may be provided for, and the Peace, Honour and Happiness of the Nation may be establish'd on those Foundations which can best support it. And so we bid you farewell.

His Majesty's Declaration from Breda.

The King's
Declaration.

IF the general Distraction and Confusion, which is spread over the whole Kingdom, doth not awaken all Men to a Desire, and Longing, that those Wounds, which have so many Years together been kept bleeding, may be bound up, all We can say will be to no Purpose. However, after this long Silence, We have thought it our Duty to declare how much We desire to contribute thereunto; And That, as we can never give over the Hope, in good Time, to obtain the Possession of that Right, which God and Nature hath made our Due; so We make it our daily Suit to the Divine Providence, that He will, in Compassion to Us and our Subjects, after so long Misery and Sufferings, remit, and put Us into a quiet and peaceable Possession of that our Right, with as little Blood and Damage to our People as is possible; nor do we desire more to enjoy what is Ours, than that all our Subjects may enjoy what by Law is Theirs, by a full and entire Administration of Justice throughout the Land, and by extending our Mercy where it is wanted and deserv'd. And to the end that Fear of Punishment may not engage any, conscious to themselves of what is past, to a Perseverance in Guilt for the future, by opposing the Quiet and Happiness of their Country, in the Restoration both of King, and Peers, and People to their just, ancient and fundamental Rights; We do by these Presents declare, That We do grant a free and general Pardon, which We are ready, upon Demand, to pass under our Great Seal of England; to all our Subjects of what Degree or Quality soever, who within Forty Days after the Publishing hereof, shall lay hold upon this our Grace and Favour, and shall by any publick Act declare their doing so, and that they return to the Loyalty and Obedience of good Subjects, excepting only such Persons as shall here-

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hereafter be excepted by Parliament. Those only excepted, let all our Subjects, how faulty soever, rely upon the Word of a King, solemnly given by this present Declaration, *That no Crime whatsoever committed against Us, or our Royal Family, before the Publication of this, shall ever rise in Judgment, or be brought in Question, against any of them, to the least Indamagement of them, either in their Lives, Liberties, or Estates, or (as far forth as lies in our Power) so much as to the Prejudice of their Reputations, by any Reproach or Terms of Distinction from the rest of our best Subjects; We desiring and ordaining, That, henceforward, all Notes of Discord, Separation, and Difference of Parties, be utterly abolish'd among all our Subjects; whom We invite and conjure to a perfect Union among Themselves, under our Protection, for the Resettlement of Our just Rights, and Theirs, in a Free Parliament; by which, upon the Word of a King, We will be advised.* And because the Passion and Uncharitableness of the Times have produced several Opinions in RELIGION, by which Men are engag'd in Parties and Animosities against each other; which, when they shall hereafter unite in a Freedom of Conversation, will be composed, or better understood; We do declare a Liberty to tender Consciences; and that no Man shall be disquieted, or called in question for Differences of Opinion in Matters of Religion, which do not disturb the Peace of the Kingdom; and that We shall be ready to consent to such an Act of Parliament, as, upon mature Deliberation, shall be offer'd unto Us, for the full granting that Indulgence. And because, in the continu'd Distractions of so many Years, and so many and great Revolutions, many Grants and Purchases of Estates have been made to and by many Officers, Soldiers, and others, who are now possessed of the same, and who may be liable to Actions at Law, upon several Titles; We are likewise willing, *That all such Differences, and all Things relating to such Grants, Sales, and Purchases, shall be determined in Parliament; which can best provide for the just Satisfaction of all Men who are concern'd.* And we do further declare, *That We will be ready to consent to any Act or Acts of Parliament to the Purposes aforesaid, and for the full Satisfaction of all Arrears due to the Officers and Soldiers of the Army under the Command of General Monk; and that they shall be receiv'd into Our Service upon as good Pay and Conditions as they now enjoy.*

The next Day after the Receipt of this Letter and Declaration the Commons proceeded to prepare an Answer to both; on which Occasion some of the Members had Spirit and Prudence enough to propose certain Articles on the Model of those sign'd at Kissingworth by Henry III. which
the

the King should be oblig'd to swear to, as the Conditions of his Restoration: But the Spring-Tide of Zeal and Loyalty, both within doors and without; running too fiercely to be withstood, and the popular Cry being, *That they had proceeded too far already in their Vote upon the Receipt of the Letter to fall back again, and offend the King with colder Expressions of their Duty*; these wholesome Precautions were, after two Days Debate, given up, and the Result was the following unreserved and courtly Letter:

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Most Royal Sovereign,

The Commons
Reply.

‘ We your Majesty’s most loyal Subjects the Commons of England, assembled in Parliament, do, with all Humbleness, present unto your Majesty the unfeigned Thankfulness of our Hearts for those gracious Expressions of Piety and Goodness, and Love to us and the Nations under your Dominions, which your Majesty’s Letter of the 14th of April, dated from Breda, together with the Declaration inclosed in it, of the same Date, do so evidently contain. For which we do, in the first Place, look up to the great King of Kings, and bless his Name who hath put these Things into the Heart of our King, to make him glorious in the Eyes of his People: As those great Deliverances which that divine Majesty hath afforded unto your Royal Person from many Dangers, and the Support which he hath given to your heroic and princely Mind under various Tryals, make it appear to all the World that you are precious in his Sight. And give us Leave to say, that as your Majesty is pleased to declare your Confidence in Parliaments, your Esteem of them, and this your Judgment and Character of them, that they are so necessary for the Government of the Kingdom, that neither Prince nor People can be in any tolerable Degree happy without them, and therefore say that you will hearken to their Councils, be tender of their Privileges, and careful to preserve and protect them; so we trust, and, with all Humility, be bold to affirm, that your Majesty will not be deceived in us, and that we will never depart from that Fidelity which we owe unto your Majesty, that Zeal which we bear unto your Service, and a constant Endeavour to advance your Honour and Greatness.

‘ And we beseech your Majesty we may add this farther for the Vindication of Parliaments, and even of the last Parliament, convened under your Royal Father of happy Memory, when, as your Majesty well observes, through Mistakes and Misunderstandings, many Inconveniencies were produc’d which were not intended, that those very Inconveniencies could not have been brought upon us by those Persons who had design’d them without violating the Parliament. For they well knew it was not possible to do

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a Violence to that sacred Person whilst the Parliament which had vow'd and covenanted for the Defence and Safety of that Person, remain'd entire. Surely, Sir, as the Persons of our Kings have ever been dear unto Parliaments, so we cannot think of that horrid Act committed against the precious Life of our late Sovereign but with such a Detestation and Abhorrency as we want Words to express it; and, next to wishing it had never been, we wish it may never be remember'd by your Majesty, to be unto you as an Occasion of Sorrow, as it will never be remembered by us but with that Grief and Trouble of Mind which it deserves, being the greatest Reproach that ever was incurr'd by any of the English Nation, an Offence to all the Protestant Churches abroad, and a Scandal to the Profession of the Truth of Religion here at home; though both Profession and true Professors, and the Nation itself, as well as the Parliament, were most innocent of it, it having been only the Contrivance and Act of some few ambitious and b'ooddy Persons, and such others as by their Influence were misled. And as we hope and pray that God will not impute the Guilt of it, nor of all the evil Consequences thereof, unto the Land, whose divine Justice never involves the Guiltless with the Guilty, so we cannot but give due Praise to your Majesty's Goodness, who are pleas'd to entertain such reconcil'd and reconciling Thoughts, and with them not only meet, but as it were prevent your Parliament and People, proposing yourself in a great measure, and inviting the Parliament to consider farther and advise your Majesty what may be necessary to restore the Nation to what it hath lost, raise up again the Banks and Fences of it, and make the Kingdom happy by the Advancement of Religion, the Security of our Laws, Liberties, and Estates, and the removing all Jealousies and Animosities which may render our Peace less certain and durable. Wherein your Majesty gives a large Evidence of your great Wisdom; judging aright, that, after so high a Distemper, and such an universal Shaking of the very Foundations, great Care must be had to repair the Breaches, and much Circumspection and Industry used to provide Things necessary for the strengthening those Repairs, and preventing whatever may disturb or weaken them.

We shall immediately apply ourselves to the preparing of these Things; and, in a very short Time, we hope to be able to present them to your Majesty; and, for the present, do, with all humble Thankfulness, acknowledge your Grace and Favour, in assuring us of your Royal Concurrence with us, and saying, that we shall not expect any thing from you but what you will be as ready to give as

we to receive; and we cannot doubt of your Majesty's effectual Performance, since your own princely Judgment hath prompted unto you the Necessity of doing such Things, and your Piety and Goodness hath carried you to a free Tender of them to your faithful Parliament. You speak as a gracious King, and we will do what befits dutiful, loving and loyal Subjects, who are yet more engaged to honour and highly esteem your Majesty for your declining, as you are pleased to say, all foreign Assistance, and rather trusting to your People, who, we do assure your Majesty, will and do open their Arms and their Hearts to receive you, and will spare neither their Estates nor their Lives when your Service shall require it of them.

And we have yet more Cause to enlarge our Praise and our Prayers to God for your Majesty, that you have continued unshaken in your Faith, that neither the Temptation of Allurements, Persuasions and Promises from seducing Papists on the one hand, nor the Persecution and hard Usage of some seduc'd and misguided Professors of the Protestant Religion on the other hand, could at all prevail on your Majesty to make you forsake the Rock of Israel, the God of your Fathers, and the true Protestant Religion in which your Majesty hath been bred, but have still been as a Rock to yourself, firm to your and our God, even now expressing your Zeal and Affection for the Protestant Religion, and your Care and Study for the Propagation thereof. This hath been a Rejoicing of Heart to all the Faithful of the Land, and an Assurance to them that God would not forsake you; but, after many Trials, which should but make you more precious, as Gold out of the Fire, would restore your Majesty to your Patrimony, and People with more Splendor and Dignity, and make you the Glory of Kings and the Joy of your Subjects; which is and ever shall be the Prayer of your Majesty's most loyal Subjects the Commons of England, assembled in Parliament.

Sign'd, HARBOTTLE GRIMSTONE, Speaker.

The Letter being engross'd and sign'd, Sir John Greenvil was appointed to attend the House; and being conducted to the Bar, the Speaker stood up, and thus address'd himself to him: *I need not tell you with what grateful Hearts the Commons have received his Majesty's gracious Letter; you yourself being an Ear and Eye-Witness of it: Our Bells and our Bonfires have already began the Proclamation of his Majesty's Goodness, and of our Joys: We have told the People, That our King, the Glory of England, is coming home again, and they have rejoiced it back in our Ears, That they are ready, and that their Hearts are ready to receive Him: Both Parliament and*

Thanks given
to Sir John
Greenvil.

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*People have cry'd aloud to the King of Kings in their Prayers
Long live King Charles the Second! I am likewise to tell
you, That the House do not think fit that you return back to our
Royal Sovereign without some Testimony of our Respects to your-
self; and therefore have ordered that Five Hundred Pounds shou'd
be deliver'd to you to buy you a Jewel, as a Badge of that Honour
which is due to a Person whom the King has honour'd with so gra-
cious a Message: And I am commanded in the Name of the
House to return you their very hearty Thanks.*

The Procla-
mation.

The next great Affair that took up the Attention of the House was, in conjunction with the Lords, to proclaim the King, which was done in the following Form, as agreed upon in a Conference between the Two Houses.

*'Altho' it can no way be doubted but that his Majesty's
'Right and Title to his Crown and Kingdoms, is,
'and was every way compleated by the Death of his most
'Royal Father of glorious Memory, without the Ceremo-
'ny or Solemnity of a Proclamation; yet, since Proclama-
'tions in such Cases have been always used, to the End that
'all good Subjects might upon this Occasion testify their
'Duty and Respect; and since the armed Violence, and
'other the Calamities of many Years last past, have hither-
'to deprived us of any such Opportunity, whereby we
'might expres our Loyalty and Allegiance to his Majesty:
'We therefore the Lords and Commons now assembled in
'Parliament, together with the Lord-Mayor, Aldermen,
'and Commons of the City of London, and other Free
'Men of this Kingdom now present, do, according to our
'Duty and Allegiance, heartily, joyfully, and unanimo-
'usly proclaim, That immediately upon the Decease of our late
'Sovereign Lord King Charles, the Imperial Crown of the Realm
'of England, and of all the Kingdoms, Dominions, and Rights
'belonging to the same, did, by Inherent Birth-Right and Lawful
'Undoubted Succession, descend and come to his most Excellent
'Majesty Charles the Second, as being Lineally, Justly, and Law-
'fully next Heir of the Blood Royal of this Realm; and that by
'the Goodness and Providence of Almighty God, He is, of Eng-
'land, Scotland, and Ireland, the most Potent, Mighty, and
'Undoubted King; and thereunto We most humbly and faithfully
'submit, and oblige our Selves, Our Heirs, and Posterity for
'ever. God save the King.'*

Soon after this the two Houses sent over a Deputation to the King to invite him home, which, on the Side of the Commons, was accompany'd with large * Presents in Mo-
ney, both to his Majesty and his two Brothers, the Dukes
of York and Gloucester. The Instructions given to the
Commissioners on this unprecedented Occasion are as follow:

Instructions

** 50,000 l. to the King; 10,000 l. to the Duke of York; and
5000 l. to the Duke of Gloucester,*

*Instructions for Aubrey Earl of Oxford, Charles Earl of Warwick, Lyonel Earl of Middlesex, Leicester Viscount Hereford, George Lord Berkeley, Robert Lord Brooke, the Lord Herbert, the Lord Mandevile, the Lord Bruce, the Lord Castleton, the Lord Falkland, the Lord Fairfax, * Denzill Holles Esq; Sir Horatio Townsend, Sir John Holland, † Sir Anthony Ashley-Cooper, Sir George Booth, and Sir Henry Cholmley.*

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Instructions to
the Committee.

YOU are to begin your Journey towards his Majesty on || Friday next, and make a speedy Repair to such Place where his Majesty shall be, and humbly to present the Letters wherewith you are respectively intrusted by both Houses of Parliament.

|| 18 May, 1660.

You are to acquaint his Majesty with what great Joy and Acclamation he was proclaimed, in and about the Cities of London and Westminster, upon the Eighth Day of May instant, and present the Proclamation itself to his Majesty; and to acquaint him with the Orders of both Houses to have the same proclaimed throughout the Kingdoms of England and Ireland, Dominion of Wales, and the Town of Berwick upon Tweed; and that both Houses have ordered, *That all and every the Ministers throughout the Kingdoms of England and Ireland be enjoined in their public Prayers to pray for his most Excellent Majesty, and for the most Illustrious Prince James Duke of York, and the rest of the Royal Progeny.* And also that they have ordered, *That the assumed Arms of the late pretended Commonwealth, wherever they are standing, be taken down, and that his Majesty's Arms be set up in stead thereof:* And you are to communicate to his Majesty the Resolutions of both Houses relating to this Instruction.

You are to acquaint his Majesty with the earnest Desire of both Houses, That his Majesty will be pleased to make a speedy Return to his Parliament, and to the Exercise of his Kingly Office, and that in order thereunto both Houses have given Directions to General Montague, one of the Generals at Sea, and other Officers of the Fleet, to observe such Commands as his Majesty shall please to give him or them for disposal of the Fleet, in order to his Majesty's Return: and you are to communicate to his Majesty the Resolutions of both Houses relating to this Instruction.

That the Committee from both Houses do beseech his Majesty that they may know where he purposeth to take Shipping, and to land at his coming over, that Preparation may be made for his Reception; and which of his Majesty's Houses he intendeth to make use of at his first coming to London, and whether he will come all the Way by Land

B 2

after

* Afterwards made Lord Holles in the same Reign, and sent Ambassador to France. † Afterwards, Earl of Shaftsbury and Lord Chancellor.

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after he comes on Shore, or whether he will please to come by Water from Gravesend to London; and that his Majesty will declare in what Manner he is pleased to be receiv'd.

Will. Jessop, Cl. of the Commons
House of Parliament.

Mr. Denzill
Hollis to the
King at Breda.

The Speech * made thereupon by the Honourable Denzill Hollis Esq; one of the Commissioners.

Dread Sovereign,

YOur faithful Subjects the Commons of England, assembled in Parliament, have sent us hither, Twelve of their Number, to wait upon your Majesty, and, by their Commands, we are here prostrate at your Royal Feet, where themselves are all of them present with us in the sincere and most loyal Affections and Desires of their Hearts, and would have been in their Persons, if your Majesty's Service, and the Trust reposed in them by all the several Parts of the Kingdom did not necessarily require their Attendance and Continuance in the Place where they now are, and where all their Thoughts and Endeavours are wholly taken up and employed in those two great and main Works, which are the proper and genuine Ends of all Parliaments, the Advancement of their King's Service, and the Discharge of their Country's Trust.

And certainly, Sir, we can speak it with a great deal of Joy, and with no less of Truth, that never Parliament made greater Demonstrations of Zeal, Affection and Loyalty to any of the Kings of England than this Parliament hath done, and doth, and we hope, and doubt not, may we know it, that it ever will do unto your Majesty, our Liege Lord and King. Their Hearts are filled with a Veneration of you, Longings for you, Confidence in you, and Desires to see and serve you; and their Tongues do, upon all Occasions, express it, and in so doing they are (according to the Nature of Parliaments) the true Representative of the whole Nation; for they but do that in a more contracted and regular Way, which the Generality of the People of the Land, from one End of it to the other, do in a more confused and disorderly Manner, yet as heartily and as affectionately, all Degrees, and Ages, and Sexes, high and low, rich and poor (as I may say) Men, Women, and Children, join in sending up this Prayer to Heaven, God bless King Charles! long live King Charles! So as our English Air is not susceptible of any other Sound, and echoes out nothing

* *Ludlow, and after him Oldmixon, gives us to understand that Mr. Hollis was interrupted in the Delivery of this Speech by Mr. H. Howard, Brother to the Earl of Arundel, who insisted that the Honour of being Spokesman belonged to another of the Commissioners; but Mr. Hollis had the Spirit to proceed notwithstanding.*

nothing else; our Bells, Bonfires, Peals of Ordnance, Vollics of Shot, the Shouts and Acclamations of the People, bear no other Moral, have no other Signification but to triumph, in the Triumphs of our King in the Hearts of his People.

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Your Majesty cannot imagine nor can any Man conceive it but he who was present to see and hear it, with what Joy, what Chearfulness, what lettings out of the Soul, what Expressions of transported Minds, a stupendous Concours of People, attended the Proclaiming of your Majesty, in your Cities of London and Westminster, to be our most potent, mighty, and undoubted King: The oldest Man living never saw the like before, nor is it probable, scarce possible, that he who hath longest to live will ever see the like again, especially (and God forbid he should) upon such an Occasion, for we wish and heartily pray that your Majesty may be the last of Men of the Generation now in being, who shall leave his Place to a Successor.

We have here the Proclamation itself to present unto your Majesty and the Order of the two Houses enjoining it to be proclaimed throughout England, Ireland, and your Dominions of Wales; and, likewise, their Orders for all Ministers in their public Prayers to pray for your Majesty, and for the Illustrious Prince the Duke of York your Majesty's Brother, and for the rest of the Royal Progeny; and another Order of theirs for taking down every where the assumed Arms of the late pretended Commonwealth, and setting up the Arms of your Majesty in their stead.

[Here he tendred the Proclamation and the several Orders unto his Majesty, offered to read them, but then said, he thought that his Majesty had already received them from the Lords, and that, therefore, it would be but a Trouble to his Majesty to hear them again. To which his Majesty answering, that he had received them, was pleased further to enlarge himself in some Discourse to this effect; expressing his Sense of the Miseries which his People had suffered under those unlawful Governors which had ruled over them, and of his Gladness for their returning unto him, with these good Affections, which they now shewed towards him; adding, that he had always made it his Study, and ever would, to make them as happy as himself; which was the Sum and Substance of what his Majesty said.]

To which was reply'd, with humble Thanks for those gracious Expressions, That his Majesty would ever find both Parliament and People to be full of Loyalty and Obedience unto his Majesty; as his Majesty was of Grace and Goodness towards them. And then he went on with his Speech, relating

Anno 12 Car. II. relating to those Orders and Proceedings of Parliament ;
1660. and said,]

These are some Testimonies of their Love and Affection unto your Majesty, such as can as yet be expressed by them, which are but as a Picture in little, of a great and large Body, which far exceeds in its true and natural Dimensions, the whole Compass of a small Piece of Cloth, on which, notwithstanding, it is drawn and represented to the Life.

And may it please your Majesty to give us leave to say, that as the Affection, so your Subjects Expectations of you are high, and their Longings after you great and vehement. And both Expectations and Longings have increased by the long Time that your Majesty hath been kept from them. Hope deferred makes the Heart sick ; and the Sickness still augments till the Thing hoped for be obtained.

You who are the Light of their Eyes, and the Breath of their Nostrils, their Delight and all their Hope, to have been so long banished from them into a strange Land, it is no wonder that the News of your Return should put a new Life into them : What then will it be when their Eyes shall be blessed with the Sight of your Royal Person ? And, therefore, are we commanded humbly to acquaint your Majesty with the earnest Desires of both Houses for your speedy Return unto your Parliament, and the Exercise of your Kingly Office ; and that, in order to it, they have given Directions to General Montague one of the Generals at Sea, and to the other Officers at Sea, to observe such Commands, as your Majesty shall please to give them for the Disposal of the Fleet : And we have it in our Instructions further to beseech your Majesty to let your Parliament know when, and where, your Majesty purposeth to take shipping, and where to land ; and after your coming on shore, whether to come all the way to London by Land, or by Water from Gravesend ; and which of your Houses your Majesty intends to make use of at your coming to London ; that, accordingly, Provision may be made for your Majesty's Reception : For then, and, not till then, will be the Compleating of your Subjects Rejoycing.

True it is (as your Majesty was pleased just now to touch upon it) that, in your Absence, other Lords have had Dominion over them, have reigned and ruled over their Bodies, and Estates ; but their better Part, their Hearts and Minds and Souls were free, and did abhor such Rulers, and still continued faithful and loyal to your Majesty, their rightful Lord and Sovereign ; and with you, and under you, they now expect to re-enter into the Possession of their antient Rights, and Privileges, to enjoy again their Laws, and Liberties : and, which is above all, their Religion in
Parity,

Purity, and Truth; of all which those Lords (who called themselves so, and made themselves so, that is, to be so called, but in truth were not so, for they were nothing less) those kind of Lords, I say, had so long deprived them. This is our Expectation from your Majesty and we are more than confident, we shall not be deceived in it, but that your Majesty will answer and go beyond all that can be expected from you: A King of so many Vows, and of so many Prayers, cannot but crown the Desires of his People.

Ann. 22 Car. II.
1660.

Sir, to tell you what Men think, and say, and wish, and even are assured of in relation to your Majesty and the Happiness which your Government will produce, would seem a Description of the Golden Age, that Poets fancy.

Truly we dare not undertake it, in your Majesty's Presence, lest we should be thought to flatter, and should offend the sacred Modesty of your Ears, and of your princely Mind. Though it would all be but a real Truth; yet looking like that, which you do not like, we fear you would dislike it for the Look's sake; Great Princes will not be flattered, but really, and truly served, and we desire to serve your Majesty in your own Way.

Your Majesty hath been pleased to declare your Royal Intentions unto your Parliament, in your gracious Letters to either House, and the two Houses have severally given unto your Majesty a faithful Account of that grateful Sense, wherewith they have received them, and of their humble Submission unto and Compliance with, all your Majesty's Desires, which by their Letters, in answer unto your Majesty's, they make bold to signify. That from the House of Peers hath been already presented, and we who are before your Majesty, are intrusted by the House of Commons with the Delivery of theirs; an Honour not more conferred upon us beyond our Deservings, than embraced and received by us, with an Excess of Joy, and with all due Respect, which is the Errand upon which we are now come. That Letter and the Proclamation and the several Orders, together with Ourselves, our Lives and Fortunes, and the Vows and Services of those who sent us, we do with all Humbleness lay at your Majesty's Feet, lifting up our Hearts and Hands to the God of Heaven, for your Majesty's long and happy Reign over us, and speedy Return unto us.

16 May, 1660.

While the King was yet upon his Return, the Commons proceeded in preparing a Bill for a general Pardon, with Exception nevertheless to all the surviving Regicides, as likewise the dead Bodies of Bradshaw, Cromwell, Ireton, and

The Proceedings of the Parliament, with Respect to a general Pardon.

Anno 1660.
1660.

and Pride: Notwithstanding which, Mr. Lenthall, (perhaps he that was Speaker to the great Parliament) giving so far into the new-rai'd Spirit of Loyalty, as to say in the House, *He that first drew his Sword against the late King, committed as great an Offence as he that cut off his Head; it kindled such a Flame of Resentment, that he was immediately order'd into Custody of the Serjeant at Arms, and by Order of the House, received at the Bar, the following Reprimand from the Speaker:*

Mr. Lenthall
reprimanded by
the Speaker.

Sir, the House has taken very great Offence at some Words you have let fall upon the Debate of this Bill of Indemnity; which, in the Judgment of the House, contain as high a Reflection on the Justice and Proceedings of the Lords and Commons of the last Parliament, in their Actings before 1648, as can be express'd. They apprehend there is much of Poison in the said Words; and that they were spoken out of design to inflame, and to render them, who drew the Sword to bring Delinquents to Punishment, and to vindicate their just Liberties, into Balance with them who cut off the King's Head: Of which Act they express their Abhorrence and Detestation; appealing to God, and their Consciences bearing them witness, That they had no Thoughts against his Person, much less against his Life. Therefore I am commanded to let you know, that had these Words fallen out at any other Time in this Parliament, but when they had Considerations of Mercy, Pardon and Indemnity, you might have expected a sharper and severer Sentence than I am now to pronounce. But the Disposition of his Majesty is to Mercy; he hath invited his People to accept of it; and it is the Disposition of the Body of this House to be Healers of Breaches, and to hold forth Mercy to Men of all Conditions, so far as may stand with Justice and Justification of themselves before God and Man. I am therefore commanded to let you know, That that being their Disposition, and the present Subject of this Day's Debate being Mercy, you shall therefore taste of Mercy. Yet I am, according to Command, to give you a sharp Reprehension, and I do as sharply and severely as I can, reprehend you for it.

Within two Days after his Arrival, the King made his Appearance for the first time in the House of Lords, and the Commons, with their Speaker, likewise, attending, his Majesty made a short Speech, signifying the Cause of his Coming, viz. To pass the Bills prepared for him, which were of great Importance; as first, *An Act for constituting the then Convention to be a Parliament.* 2dly, *Another to continue the Tax of 70,000 l. per Menssem, for three Months longer.* And a third, *for Continuance of Process and all Judicial Proceedings.* Which being pass'd, the Lord-Chancellor in a handsome Speech told both Houses, 'With how much Readiness his Majesty had pass'd these important Acts, and how willing they should at all times hereafter find him,

Lord Chan-
cellor Hyde's
Speech to both
Houses.

him, to pass any other that might tend to the Advantage and Benefit of the People; in a particular Manner desiring, in his Majesty's Behalf, That the Bill of Oblivion, in which they had made so good a Progress, might be expedited: That the People might see and know his Majesty's extraordinary gracious Care to ease and free them from their Doubts and Fears; and that he had not forgotten his gracious Declaration made at Breda, but that he wou'd in all Points make good the same.

Anno 7^{to} Oct. 17.
1660.

What next employ'd the House was the Act of Indemnity, the Disbanding the Army, and the settling the Public Revenues: In the first of which they thought proper to include themselves; making a Resolution in Form, 'That the House doth declare, that they do, in the Name of themselves and all the Commons of England, lay hold on his Majesty's gracious Pardon mention'd in his Declaration, with reference to the excepting of such as shall be excepted in an Act of Pardon!' Which Resolution of theirs was presented to his Majesty, at the Banqueting-House in the Name of the House, by the Hand of Mr. Denzil Holles.

Such Difficulties however occur'd in the Act of Oblivion, and such Advantages were taken of the Delay in several Pamphlets publish'd at that Time, which insinuated, that the King's Promises at Breda, were not to be depended upon; that his Majesty thought himself obliged to quicken their Resolutions by a Message to the House, which was deliver'd by Secretary Morrice, to the following Effect: 'He, the King, had too ample a Manifestation of their Affections and Duty towards him, to make the least Doubt of the Continuance and Improvement thereof, or in the least degree to dislike what they had done, or to complain of what they had left undone. He knew well the Weight of those Affairs which depended upon their Counsels, and the Time that must unavoidably be spent, where there must be naturally Difference of Opinions and Judgments amongst those, whose Desires of the Public Peace and Safety were the same. And that neither He nor They must be overmuch troubled, if they found the good Intentions and unwearied Pains, taken to reduce those good Intentions into real Acts, for the Quiet and Security of the Nation, misrepresented, and misinterpreted, by those who are in truth much afflicted to see the public Distractions, by God's Blessing, so near an end; and by others upon whose Weakness, Fears and Jealousies, the Activity and Cunning of those ill Men hath had too great an Influence. That how wonderful and miraculous never the great Harmony of Affections between him and

The King's
Message, re-
lating to the ge-
neral Pardon.

Act 22. II.
1666.

his Subjects is; yet it is not to be thought that God Almighty had wrought that Miracle to that degree, that a Nation so miserably divided for so many Years, wou'd be so soon and entirely united in their Affections and Endeavours, as were to be wished; but that the evil Consciences of many continu'd so awake for Mischief, that they would not be willing to take Rest themselves, or suffer others to take it: That they all had too sad Experience of the unhappy Effects of Fears and Jealousies, how groundless and unreasonable soever, not to think it very necessary to apply all timely and proper Remedies to those Distempers, and to prevent the Inconveniences and Mischiefs which so naturally flow from thence; That he well foresaw, that the great Violation, which the Laws of the Land had for so many Years sustain'd, had fill'd the Hearts of the People with terrible Apprehensions of Insecurity to themselves, if all they had said and done shou'd be liable to be examin'd and punish'd by those Laws which had been so violated. And that nothing cou'd establish the Security of King and People, but a full Provision, that the returning to the Reverence and Obedience of the Law, which is good for All, shou'd not turn to the Ruin of any who were willing and fit to receive that Protection hereafter from the Law, and to pay that Subjection to it, which were just and necessary. And therefore he made a free Offer of a general Pardon, in such a manner as was express'd in his Declaration; and how ready and desirous he was to make good the same, appear'd by his Proclamation issu'd out upon and according to their Desire. However, it was evident, That all he had offer'd or did offer, did not enough compose the Minds of the People; nor in their Opinions could their Security be provided for, till the Act of Indemnity and Oblivion was pass'd. He told them, 'He had found great Industry us'd to persuade his good Subjects, that he had no mind to make good his Promises, which he desired to perform for his own sake as well as theirs. Therefore he did very earnestly recommend it to them, That all Expedition might be us'd in the passing that most necessary Act, whereby his good Subjects generally wou'd be satisfy'd, that their Security was in their own Hands, and depended upon their future Actions, and that they were free for all past; and so the Endeavours of ill Men wou'd be disappointed, who wou'd persuade them not to do well now, because they had done amiss heretofore. And that he was the more engag'd to this Recommendation, because upon the Reflection of their eminent Zeal and Affection for his Service, and hearty Concurrence with him in all things desired from them, Men were apt to persuade others, tho' not believing in them-

themselves, That the passing this Act was therefore not desired, because he did not enough press the Dispatch of it; which he did desire from his Heart, and was confident they would the sooner do it, upon his earnest Recommendation.

Anno 12 Car. II.
1686.

To this succeeded a second Message to both Houses, which, as it appears, took its rise from some insinuating Advices given to his Majesty from the House of Peers, which will be best explain'd by the King's own Words, *viz.*

His Majesty is well-inform'd of the Value of those Concessions, which are to pass in the Act of Indemnity, which relate entirely to his Majesty's Profits, and which have little or no Relation to the War: He knows well that the Arrears of the Wars, the Alienations with License, Purveyance, Respite of Homage, the Arrears of the Rents still in the hands of the Tenants, and the other Particulars, amount to a vast great Sum; all which are releas'd and discharg'd by this Act. But his Majesty is so well satisfy'd of the good Affection of the House of Commons, and of their Intentions and Resolutions to settle such a Revenue upon his Majesty, as may preserve the Crown from Want, and from being undervalu'd by its Neighbours; that he is resolv'd not to insist upon any Particular, which the House of Commons desir'd his Majesty shou'd release: and therefore as his Majesty thanks the House of Peers for the Information they have given him, and for the Care they have express'd for his Majesty's Profit, so he is well contented that that Clause shall pass in such a manner as the House of Commons have set down; and continues his earnest Desires, that all Expedition be used in passing the said Act in the manner he hath formerly express'd.

A second Message, releasing all Arrears to the Crown.

His Majesty had not only the Thanks of the House for this obliging Message, but they immediately order'd, That Ways and Means should be consider'd for the settling such a Revenue on his Majesty, as may maintain the Splendor and Grandeur of the King's Office, &c.

After several Conferences between the two Houses, the Bill of Indemnity being at length prepar'd, as likewise certain others; as, That, for a Confirmation of judicial Proceedings; Another to pay the Arrears of the Fleet and Army, by a Poll-Tax; a third to restrain Usury; and a fourth for a perpetual Thanksgiving on the 29th of May, to commemorate the Restoration; his Majesty came to the House of Peers, and from the Throne, deliver'd the following royal Speech.

My Lords, and Gentlemen of the House of Commons,
I Have been here sometimes before with you, but never
with more Willingness, than I am at this time. And there

The King's
Speech.

Anne 12 Car. II.
 1660.

' there are few Men in the Kingdom have longed more im-
 ' patiently to have those Bills pass'd, than I have done to
 ' pass them; and I hope they will be the Foundation of
 ' Peace and Security to us all. I do very willingly pardon
 ' all that are pardon'd by this Act of Indemnity, to that Time
 ' which is mention'd in the Bill: Nay, I will tell you,
 ' That, from that Time to this Day, I will not use great
 ' Severity, except in such Cases where the Malice is nom-
 ' rious, and the Public Peace exceedingly concern'd. But
 ' for the Time to come, the same Discretion and Conscience,
 ' which dispos'd me to the Clemency I have express'd (which
 ' is most agreeable to my Nature) will oblige me to all Ri-
 ' gour and Severity, how contrary soever it be to my Na-
 ' ture, towards those who shall not now acquiesce, but con-
 ' tinue to manifest their Sedition and Dislike of the Go-
 ' vernment, either in Actions or Words. And I must con-
 ' jure you all, my Lords and Gentlemen, to concur with me
 ' in this just and necessary Severity; and that you will, in
 ' your several Stations, be so jealous of the Public Peace and
 ' of my particular Honour, that you will cause exemplary
 ' Justice upon those who are guilty of seditious Speeches or
 ' Writings, as well as those who break out into seditious Acti-
 ' ons: And that you will believe those who delight in re-
 ' proaching and traducing my Person, not to be well-affected
 ' to you and the public Peace. Never King valu'd him-
 ' self more upon the Affections of his People than I do:
 ' Nor do I know a better Way to make myself sure of your
 ' Affections, than by being just and kind to you all: And,
 ' whilst I am so, I pray let the World see, that I am pos-
 ' sess'd of your Affections. For your Poll-Bill, I thank you
 ' as much as if the Money were to come into my own Cof-
 ' fers; and wish with all my Heart that it may amount to as
 ' great a Sum as you reckon upon.—I pray you very earnest-
 ' ly, as fast as Money comes in, to discharge that great Bur-
 ' den of the Navy, and disband the Army as fast as you
 ' can; and till you can disband the rest, make a Provision
 ' for their Supply. I do conjure you, as you love me, let
 ' me not hear the Noise of Free Quarter, which will be
 ' imputed to my want of Care and Government, how in-
 ' nocent soever I am. I am so confident of your Affections,
 ' that I will not move you in any thing that immediately re-
 ' lates to myself: And yet I must tell you, That I am not
 ' richer, that is, I have not so much Money in my Purse,
 ' as when I came to you. The truth is, I have liv'd prin-
 ' cipally ever since upon what I brought with me, which
 ' was indeed your Money; you sent it to me, and I thank
 ' you for it. The weekly Expence of the Navy eats up all
 ' you have given me by the Bill of Tonnage and Poundage:
 ' Nor have I been able to give my Brothers one Shilling
 ' since

' since I came into England, nor to keep any Table in my Anno 12 Car. II.
 ' House but where I eat myself. And that which troubles 1660.
 ' me most, is, to see many of you come to me at White-
 ' hall, and to think you must go somewhere else to seek a
 ' Dinner. I do not mention this to you, as any thing that
 ' troubles me: Do but take care of the Publick, and for what
 ' is necessary for the Peace and Quiet of the Kingdom, and
 ' take your own Time for my own Particular, which I am
 ' sure you will provide for with as much Affection and
 ' Frankness as I can desire.

At the same time the Speaker, Sir Harbottle Grimstone,
 harangu'd his Majesty with a Speech, which, above all others,
 displays the new Turn that the Times had taken, as may Part of the
 be gather'd from the ensuing Passage, which may be Speaker's
 call'd a Master-piece of Court-Rhetoric. ' There is an- Speech on pas-
 other Bill intitl'd; an Act of Free and General Pardon, sing the general
 Indemnity, and Oblivion: It may well be called a free Pardon.
 Pardon, for your Majesty was pleas'd to offer it before we
 had Confidence enough to ask it, and at a Time when
 your People had most need of it; and it may as truly be
 call'd a general Pardon in respect of the Extensiveness of
 it. But, looking over a long, black, prodigious, dismal
 Roll and Catalogue of Malefactors, we there met not with
 Men, but with Monsters, guilty of Blood, precious Blood,
 precious Royal Blood, never to be remember'd without
 Tears; incomparable in all kinds of Villanies that ever
 were acted by the worst of Miscreants, Perverters of Re-
 ligion, Subverters of the Government, False to God, Dis-
 loyal to the best of Kings, and perfidious to their Country:
 And therefore we find an absolute and indispensable Necessi-
 ty incumbent on us to except and set some apart for an
 Antidote to expel the Poison of Sin and Rebellion out of
 others, and that they may be made Sacrifices to appease
 God's Wrath, and satisfy Divine Vengeance.

After this the House, having received Intimation from his
 Majesty, that they were to have a speedy Recess, resolv'd
 to make good Use of the Time, taking first into Considera-
 tion the disbanding the still-formidable Army, and then
 the settling the Revenues of the Crown; on which last
 Head, wisely concluding that the Misfortunes of the late
 King were originally owing to Want of Money, (his
 whole Revenue, *communibus Annis*, from the Year 1637 to
 1641, amounting but to 895,819 l. and the present Re-
 venue, together with the Composition for the Court of
 Wards, amounting to no more than 819,389 l.) they resolv'd
 to make a very considerable Addition; but, before they
 had brought this grand Affair to an Issue, seven or eight
 other Bills being ready for the Royal Assent, his Majesty
came

Admo 12 Car. II.
1660.

‘lemen, I will not deny to you, That I had some Inclination, when I consented to your Desire for your Recess, to have made a Session, which I thought most agreeable to the ancient Order of Parliaments; and I hope you will join with me in reducing of Parliaments to their ancient Rules and Orders, the Deviation from which hath done us no Good. And I think there were never so many Bills passed as I have this Day, without a Session: But upon the Desire, and Reasons given by the House of Commons, for an Adjournment, without a Session, I do very willingly part from that Inclination, and do as willingly give you Leave, and direct you to adjourn your selves to the Sixth of November, when I hope you will meet again: And in the mean time that you will be welcome to your Counties, and do much Service.’

The Substance
of the Chancellor's
Speech at
the Adjournment.

After which his Majesty referr'd to the Lord Chancellor to speak of many other Things which he had to recommend to them, who displayed his Eloquence in a long Speech, consisting of Variety of Subjects, principally tending to the composing and healing of all former Differences. As to the Army, he told them, ‘That his Majesty cou'd not take it unkindly at their hands who thought he wou'd not disband them; It was a sober and rational Jealousy; since no other Prince in Europe cou'd be willing to disband such an Army, every way so valuable, &c.’ But what he alledg'd, as the greatest Felicity to a distracted Nation, was the Act of Indemnity; in which he particularly insisted upon that most charitable Clause, ‘That made it penal to any Persons who within three Years should maliciously call, or object against others any Name or Words of Reproach, any ways tending to revive the Memory of the late Differences.’ Nay farther, he let them know, ‘That even evil and envious Looks, murmuring and discontented Hearts, were directly against the Equity of the Statute, and, as far as they were discover'd, shou'd be so esteemed by his Majesty.’ Therefore he conjured them from the King, ‘to join with him in restoring the whole Nation to its primitive Temper and Integrity, to its old Good Manners, to its old Good Humour, and to its old Good Nature: Good Nature, a Virtue so peculiar to them, so appropriated by God Almighty to this Nation, that it can be translated into no other Language, hardly practis'd by any other People.’ After this he put them in mind of the necessary Severity that ought to be used towards such as shall still continue to widen the Breaches; but added, ‘That too much Ill cou'd not befall those who did the best they cou'd to corrupt his Majesty's Nature, and to extinguish

gaith his Mercy.' The whole consisted of great Variety, and was fill'd with such generous and healing Sentences, as were agreeable to the best of Kings, and best of Ministers; and concluded in these Words, 'Be but pleas'd your selves, and persuade others to be so; contrive all the Ways imaginable for your own Happiness, and you will make his Majesty the best pleas'd and the most happy Prince in the World.'

Anno 12 Car. II.
1660.

Upon finishing this Speech the King retired, and both Houses of Parliament adjourn'd themselves to the sixth Day of November, after they had sat four Months and eighteen Days, from their first Meeting, and three Months and fourteen Days from the King's Arrival; in which Time they compleated as much Business as cou'd possibly be expected in this great Exigency of Affairs.

The Parliament
adjourn'd for
near two
Months.

On the sixth of November the Parliament met according to their Adjournment, and the Commons having complemented the Queen-mother on her Arrival in England, and presented 10000 l. to her Daughter, the Princess Henrietta-Maria, and as much more to the Princess of Orange, they proceeded next to complete the disbanding the Army, already greatly diminish'd; upon which Occasion the noted Mr Prynn, desiring the House to be mindful not to do those Things which might bring them (the Army) together again, he was called to Order, and with difficulty escaped a severe Censure.

The second
Meeting of the
first Parliament.

Mr. Prynn.

But while the House was busied on this, and other material Points, they received a Message from the King, informing them, that, upon the Account of the Preparations for his Coronation, and other Reasons, he had determined to dissolve them in the End of December; and therefore desired, 'That they might the more vigorously apply themselves to the Dispatch of the most important Business that depended before them.' Shortly after which the House of Commons represented to his Majesty, 'The great Sense that House had of the many Expressions of Grace which they had received from him in his several Declarations; further acquainting him with the great Unanimity of the House in settling a Revenue of Twelve Hundred Thousand Pounds *per Annum* on his Majesty, according to their former Vote.' To which Vote the King return'd his Thanks for their Care of him, and assured them, That he would employ his Revenue for the Good of them and the Kingdom. In the mean time the Parliament ordered, 'That the several Bodies of Oliver Cromwell, John Bradshaw, Henry Ireton, and Thomas Pride, be taken out of their Graves, drawn on a Hurdle to Tyburn, there to be hanged up from Ten o'Clock 'till Sun-setting, and then buried under the Gallows.' At the same time they made

They order cer-
tain obnoxious
dead Bodies to
be hanged at
Tyburn.

Anno 12 Car. II.
1660.

an Act of Attainder, which did not only extend to the Blood and Estates of these Four, but also to the nineteen Regicides that fled from Justice, namely, Lisle, Say, Waulton, Whalley, Barkstead, Ludlow, Livesey, Okey, Hewson, Goffe, Holland, Challoner, Cawley, Corber, Love, Dixwell, Blagrove, Broughton, and Dendy, who by this Act stood adjudg'd, convicted, and attainted of High Treason.

William Drake
impeach'd.

The Commons likewise took notice of an inferior Criminal, William Drake, a Citizen and Merchant of London, and drew up an Impeachment against him for writing and publishing a dangerous Book entitled, *The Long Parliament Reviv'd*, in which he endeavours to prove that the said Parliament was not yet legally dissolv'd. This rais'd a considerable Noise, but they wanted Time to bring it to a Trial.

The Speaker's
Speech to the
King on the
Dissolution.

After a Session of near two Months, a Dissolution being expected, on the 29th of December the King came to the House of Peers and passed all the publick and private Bills that were ready for the Royal Assent. The Nature of those that were of a public Concern we find from the following Part of the Speaker's Speech.— 'As I am commanded, I most humbly assure your Majesty, that the many healing Expedients propounded by your Self in your several Gracious Declarations, have been the subject Matter upon which your Commons have wrought all this Parliament. And in the first place they took into Consideration the great and growing Charges which then lay upon your People for the Pay of your Army and Navy. And they conceived it necessary to begin with that Part wherein your People have the most Ease, and the greatest Security and Satisfaction; which was the disbanding and discharging the Forces by Sea and Land: And this led them into a Consideration of proper Ways and Means for raising Monies for that Purpose, as the *Poll-Bill*, and the *Assessment of Seventy Thousand Pounds per Month*. But those not having done the Work, here are others ready in my Hand: The one entitled, *An Act for levying the Arrears of the twelve Months Assessment*, &c. And the other entitled, *An Act for the further Supplying several Defects in the Act for Disbanding all the Forces both by Land and Sea*; and they hope this Account will be cleared off at last. Sir, your Commons have likewise taken into Consideration the Charge of your Summer's Fleet, &c. and pass'd a Bill entitled, *An Act for six Months Assessment at Seventy Thousand Pounds per Mensen*, to begin the first of January. I have three other Bills in my Hand, which have relation to your Majesty's Revenue, and are Branches thereof: The one entitled, *An Act for the better ordering the*

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Selling of Wines by Retail, and for preventing Abuses in the Anno 12 Car. II.
Mingling, Corrupting, and Limiting the Prices of the same : 1650.

And this Bill is tendered to your Majesty to prevent all future Disputes touching the Legality thereof; for we know it is your Majesty's Desire that nothing be done otherwise by any of your Ministers acting under your Command. Another is entitled, *An Act for Erecting and Establishing a Post-Office*; and this being legally settled, will be of great Use to all your Majesty's Subjects for holding Intelligence with their Factors and Agents in Foreign Parts. The other Bill provides for the Increase of your Majesty's ordinary and constant Revenue, by granting of an *Impost upon Ale, Beer, Cyder, and other Liquors*, therein express'd, to hold for your Majesty's Life. As it is the Desire of your Commons, that your Majesty might never be necessitated to resort to Extraordinary or Unparliamentary Ways for raising of Money upon your People; so they likewise acknowledge it to be their Duties to support and uphold, to the utmost of their Powers, the Honour and Grandeur of your Majesty's State and Dignity. And for a further Evidence of your Commons dutiful Affections to your Majesty's Royal and Dear Person, they have pass'd another Bill for *Raising Seventy Thousand Pounds for your Majesty's further Supply*. All which Bills I am commanded humbly to present to your Majesty; and to pray your Majesty's gracious Acceptance and Royal Assent.

' There are other Bills of public Concernment which have pass'd both Houses, and now attend upon your Majesty for your Royal Assent: The one entitled, *An Act for Attainder of several Persons guilty of the horrid Murder of his late Sacred Majesty*, your Royal Father of ever-blessed Memory. Another entitled, *An Act for Confirmation of Leases and Grants for Colleges and Hospitals*, which will tend much to the quieting of Mens Estates, that in the late unhappy Times were forced to renew and change their Revenues much for the worse, were it not for the Favour your Majesty intends them in this Bill. There is another Bill entitled, *An Act to prohibit the Exportation of Wool, Wool-Fells, Fullers-Earth, or any other Scouring Earth*; which will be the best Encouragement for the Woollen Manufactures; and without which there would be a double Loss; first to your Majesty in your Customs, and next to your People, who would be discourag'd, and in a short time beaten out of that ancient Native Staple Trade, upon which depends the Substance of many thousand Families. There is another Bill entitled, *An Act for prohibiting the Planting, Setting, or Sowing of Tobacco in England and Ireland*; which if permitted would occasion the Abatement of your Majesty's Customs,

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the Destruction of your Plantations abroad, and the Discouraging of Navigation, and consequently the Decay of Shipping, which are the Walls and Bulwarks of your Majesty's Kingdom. There is one Bill more, entitled, *An Act for taking away the Court of Wards and Liveries, together with Tenure in Capite, Knight's Service, and Purveyances, and for settling a Revenue upon his Majesty in lieu thereof.* This Bill *Ex re natâ* may properly be called *A Bill of Exchange*; for as Care is therein taken for the Ease of your People, so the Supply of that Part of your Majesty's Revenue, which formerly came into your Treasury, by your Tenures and Purveyances, is thereby likewise fully provided for by the Grant of another Imposition upon *Ale and Beer, and other Liquors*, to hold to your Majesty, your Heirs and Successors for ever. And yet they should not look upon the Considerations mentioned in this Bill as a full Compensation for your Majesty's parting with two such Royal Prerogatives and ancient Flowers of the Crown, if more were not implied than is express'd. For your Tenures in *Capite* are not only turned into a Tenure of *Soccage* (which alone will for ever give your Majesty a just Right and Tide to the Labour of our Ploughs and the Sweat of our Brows) but they are likewise turned into a Tenure in *Corde*. What your Majesty had before in your Court of Wards, you will be sure to find hereafter in the Exchequer of all your Peoples Hearts. The King of Spain's Mines will sooner deceive him than this Revenue will fail you: For his Mines have Bottoms, but the deeper your Majesty sinks into the Hearts and Affections of your People, the greater will you find your Wealth, and the more invincible your Strength. — Royal Sir, you have denied us nothing we have asked this Parliament. Indeed you have out-done your Parliament, by doing much more for us than we could agree among ourselves to ask. And therefore we must needs be a Happy Parliament, a Healing Parliament, a Reconciling and Peace-making Parliament, a Parliament *propter Excellentiam* that may truly be call'd *Parliamentissimum Parlamentum*. —

Upon passing the forementioned Acts, the King made the following Speech:

The King's
Speech.

‘ My Lords and Gentlemen,
‘ I Will not entertain you with a long Discourse; the
‘ Sum of all I have to say to you being to give you
‘ Thanks, very hearty Thanks: And I assure you I find
‘ it a very difficult Work to satisfy my Self in my own Ex-
‘ pressions of those Thanks. Perfunctory Thanks, Ordina-
‘ ry Thanks for Ordinary Civilities are easily given; but
‘ when the Heart is full as mine is, it is a Labour to
‘ thank

I thank you. You have taken great Pains to oblige me,
 and therefore it cannot be easy for me to express the Sense
 I have for it. I will enlarge no further to you on this
 Occasion than to tell you, when God brought me hither,
 I brought with me an extraordinary Affection and Esteem
 for Parliaments. I need not tell you how much it is im-
 prov'd by your Carriage towards Me: You have out-done
 all the good and obliging Acts of your Predecessors to-
 wards the Crown, and therefore you cannot but believe
 my Heart is exceedingly enlarged with the Acknowledg-
 ment. Many former Parliaments have had particular De-
 nominations for what they have done: They have been
 stiled Learned, and Unlearned, and sometimes have had
 the worst Epithets. I pray let us resolve that This be for
 ever called the HEALING and the BLESSED PAR-
 LIAMENT. As I thank you, though not enough, for
 what you have done, so I have not the least Doubt, but
 when I shall call the next Parliament (which I shall do as
 soon as you can reasonably expect or desire) I shall re-
 ceive your hearty Thanks for what I shall then have done
 since I have parted with you. For I deal truly with you;
 I shall not more propose any one Rule to my Self in my
 Actions and Counsels than this: What is a Parliament
 like to think of this Action, and this Counsel? And it
 shall be Want of Understanding in me, if it will not
 bear that Test. I shall conclude with this, which I can-
 not say too often, nor you too often where you go: That,
 next to the miraculous Blessing of God Almighty, and in-
 deed as an immediate Effect of that Blessing, I do im-
 pute the good Disposition and Security we are all in to the
 happy Act of Indemnity and Oblivion: That is the
 principal Corner-Stone which supports this excellent Build-
 ing, that creates Kindness in us to each other, and Con-
 fidence in our joint and common Security. You may be
 sure I will not only observe it Religiously and Inviolably
 my Self, but also exact the Observation of it from others:
 And if any Person shall ever have the Boldness to attempt
 to persuade me to the contrary, he would find such an Ac-
 ceptation from Me as he wou'd have who shou'd persuade
 me to burn *Magna Charta*, cancel the old Laws, and erect
 a new Government after my own Invention and Appetite.

After this he referr'd them to the Lord Chaucellor, who
 displayed his usual Eloquence in a very long Speech, consi-
 sting of Variety of Matter. He applauded the Wisdom of the
 Houses in the King's Restoration, and likewise in all their
 several Proceedings, and particularly told them, 'That he
 made no doubt but all succeeding Parliaments wou'd pay

The Substance
 of the Chancel-
 lor's Speech.

to

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to them their Thanks for all they had done, and look upon their Actions, and their Example, with all possible Approbation and Reverence.' As to the Restoration of the languishing Church to Peace, Unity and Order, he told them, 'the King had been so careful, that Constantine himself had hardly spent so much of his own Time in private and public Conferences to that purpose.' After many Topics, entering upon the Glory and Reputation of England, he freely told them, 'That they were too partial to it, who believ'd it the best Country in the World: There was better Earth, better Air, and a warmer Sun in other Countries; but he was not unjust when he said, That England was an Inclosure of the best People in the World, when they were well-inform'd and instructed: A People in Sobriety of Conscience, the most devoted to God Almighty; in the Integrity of their Affections, the most dutiful to the King; in their good Manners and Inclinations, most regardful to their Superiors!' Therefore he desired the House of Commons in their Return home, to assure them, 'That his Majesty thinks himself the happiest and greatest Prince in the World, not from the Situation of his Dominions, and the Power of his great Navy, with which he can visit his Neighbours, and keep them from visiting him; but from being possess'd of the Affections and Hearts of such Subjects; that he does so entirely love them, and depend upon them, That all his Actions, and all his Counsels shall tend to no other End, but to make them happy and prosperous.' But notwithstanding all this Care and Tenderness of his Majesty, there were still some Men, who by their Writings and Preachings endeavour'd to continue the former Breaches; and some others had been so dangerous to the public Peace, that they had lately been secured in Prison. And then he proceeded to give them a Narrative 'how a Party of the late disbanded Officers and Soldiers, and others full of Discontent and seditious Purposes, had resolv'd to attempt the Change of the present Government, and to erect a Commonwealth; in which Ludlow, and other desperate Persons, were concern'd.' Therefore, upon the account of these unexpected Plots and Conspiracies, he wish'd, 'That their other weighty Affairs would have given them Time to have publish'd their Opinion and Advice in the Business of the Militia; That the People, after so many Disputes upon that Argument, might have found, That the King and his two Houses of Parliament were as much of the same Mind in that, as in other Things.' Therefore to secure the Peace of the Nation, he acquainted them, 'That the King would be constrain'd to establish it for the present, as formerly his Predecessors had done.' Then speaking of the former Successes

cesses so often insisted on by the Heads of the ruin'd Party, he retorted their Arguments, in the wonderful Preservation of the King's sacred Person, and alledg'd, ' That God Almighty would not have led him through so many Wildernesses of Affliction of all kinds, conducting him through so many Perils by Land; snatching him out of the midst of his Kingdom, when it was not worthy of him, and when the Hands of his Enemies were upon him, when they thought themselves so sure of him, that they would bid so cheap and vile a Price for him: He would not then have so cover'd him with a Cloud, that he travell'd with some Pleasure, and great Observation through the midst of his Enemies: He would not so wonderfully have modell'd that Army, so inspired their Hearts, and the Hearts of the whole Nation, with an honest and impatient longing for the Return of their dread Sovereign; and in the mean time have so exercis'd him with those unnatural, or at least unusual Disrespects and Reproaches abroad, that he might have a harmless and innocent Appetite to his own Country, and return to his own People full Value, and the whole unwast'd Bulk of his Affections, without being corrupted or bias'd by extraordinary Foreign Obligations: God Almighty would not have done all this, but for a Servant whom he will always preserve as the Apple of his own Eye, and always defend from the most secret Machinations of his Enemies.' In Conclusion, by the King's Command, he declar'd the present Parliament dissolv'd.

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On the 8th of May the new Parliament met, and the King proceeded to the House of Peers, with unusual Solemnity, being attended by all the great Officers of State, the whole Body of the Nobility in their Robes; Drums, Trumpets, &c. Where being seated on his Throne, he open'd the Session with the following Speech to both Houses.

The second Parliament.

' My Lords, and Gentlemen of the House of Commons, I Will not spend the Time in telling you why I call'd you hither; I am sure I am glad to see you here. I do value myself much upon keeping my Word, upon making good whatsoever I promise to my Subjects: And I well remember when I was last in this Place, I promis'd that I would call a Parliament as soon as could be reasonably expected or desired; and truly, considering the Season of the Year, and all that has been done since we parted, you could not reasonably expect to meet sooner than now we do. If it might have been a Week sooner, you will confess there was some Reason to defer it to this Day: For, this Day, we may without Superstition love one Day, prefer one Day before another, for the Memory of some Blessings

The King's Speech.

sings

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' sings that befel us that Day; and then you will not wonder that the Memory of the great Affection the whole Kingdom shew'd to me this Day Twelve-Month, made me desirous to meet you again this Day, when I dare swear you are full of the same Spirit, and that it will be lasting in you. I think there are not many of you who are not particularly known to me; there are very few of whom I have not heard so much Good, that I am sure, as I can be of any thing that is to come, that you will all concur with me, and that I shall concur with you in all Things which may advance the Peace, Plenty, and Prosperity of the Nation; I shall be exceedingly deceiv'd else.

' My Lords and Gentlemen, you will find what Method I think best for your Proceeding, by two Bills I have caused to be prepar'd for you, which are for Confirmation of all that was enacted at our last Meeting: And above all, I must repeat what I said when I was last here; That next to the miraculous Blessing of God Almighty, and indeed, as an immediate Effect of that Blessing, I do impute the good Disposition and Security we are all in, to the happy Act of Indemnity and Oblivion: That is the principal Corner-Stone, which supports this excellent Building, that creates Kindness in us to each other, and Confidence in our joint and common Security. I am sure I am still of the same Opinion, and more, if it be possible, of that Opinion, than I was, by the Experience I have of the Benefit of it, and from the Unreasonableness of what some Men say against it, tho' I assure you not in my hearing. In God's Name, provide full Remedies for any future Mischiefs; be as severe as you will against new Offenders, especially if they be so upon Old Principles, and pull up those Principles by the Roots. But I shall never think him a wise Man, who would endeavour to undermine or shake that Foundation of our public Peace, by infringing that Act in the least degree; or that he can be my Friend, or wish me well, who would persuade me ever to consent to the Breach of a Promise I so solemnly made when I was abroad, and perform'd with that Solemnity; because, and after I promis'd it, I cannot suspect any Attempts of that kind by any Men of Merit and Virtue.

' I will not conclude without telling you some News; News that I think will be very acceptable to you; and therefore I should think myself unkind and ill-natur'd, if I should not impart it to you. I have been often put in mind by my Friends, That it was now high Time to marry; and I have thought so myself ever since I came into England: But there appeared Difficulties enough in the Choice, tho' many Overtures have been made to me: and

and if I should never marry till I could make such a Choice, against which there could be no Foresight of any Inconvenience that may ensue, you would live to see me an old Batchelor, which I think you do not desire to do. I can now tell you, not only that I am resolv'd to marry, but to whom I resolve to marry, if God please: And towards my Resolution, I have us'd that Deliberation, and taken that Advice as I ought to do in an Affair of that Importance; and, trust me, with a full Consideration of the Good of my Subjects in general, as of myself: It is with the Daughter of Portugal. When I had, as well as I could, weigh'd all that occur'd to me, the first Resolution I took, was to state the whole Overtures which had been made to me, and, in truth, all that had been said against it to my Privy-Council; without hearing whose Advice, I never did, nor ever will, resolve any thing of public Importance. And I tell you with great Satisfaction and Comfort to myself, that after many Hours Debate in a full Council, for I think there was not above one absent; and truly I believe, upon all that can be said upon that Subject, for or against it, my Lords, without one dissenting Vote, yet there were very few sate silent, advis'd me with all imaginable Chearfulness to this Marriage; which I look'd upon as very wonderful, and even as some Instance of the Approbation of God himself; and so took up my own Resolution, and concluded all with the Ambassador of Portugal, who is departing with the whole Treary sign'd, which you will find to contain many great Advantages to the Kingdom: And I make all the haste I can to fetch you a Queen hither, who, I doubt not, will bring great Blessings with her, to me and you.

He refer'd the rest to the Lord-Chancellor, who made an elegant Speech, too long to be insert'd but by way of Abridgment. He told them, 'That the King had call'd them hither by his Writ, which was the only good and lawful Way to the meeting of a Parliament; and they ought to thank God he had reserv'd them to that Day, a Day that many good Men had died praying for, that after all the Prodigies in Church and State, they had liv'd to see the King at the opening of the Parliament. That his Majesty had caus'd a Bill or two to be prepared for the Confirmation of all that was enacted in the last Parliament; which, tho' not call'd by the King's Writ, might be reasonably thought to have been call'd by God himself, upon the Prayers of the whole Kingdom, as the only Means to restore the Nation to its Happiness, to itself, to its Honour, and even to its Innocence. That for the King, after so many Injuries and Losses, to have been not only willing to con-

The Lord-Chancellor's Speech,

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firm and enact the Act of Oblivion and Indemnity, but to prepare such an Act for them, to conjure them by all that was precious, by their Friendship to him, to dispatch those Acts with Expedition, was such a Fatherly Tenderness and Piety, as could proceed from no Heart, but such a one in which God had treasur'd up a Stock of Mercy, and Justice and Wisdom, to redeem a Nation. That the last Parliament, which had done such Wonders, had still left great Things for them to do: They would find the Revenue the last Parliament intended to raise for the King, very much short of what they promis'd: They would find the public Debts for the Discharge of the Army and the Navy, which the last Parliament thought sufficiently provided for, to be still in Arrear, and unpaid. That they were now the great Physicians of the Kingdom: and, God knows, had many wayward, froward and distemper'd Patients; some who in truth were very sick, others who thought themselves sicker than they were, and some who thought themselves in Health, and were most sick of all: They were therefore to use all the Diligence, Patience and Compassion, which good Physicians have for their Patients; all the Cheerfulness, Complacency and Indulgence, their several Habits, Constitutions and Distempers might require. But there were a sort of Patients who deserv'd none of their Lenity; such who were so far from valuing their Prescriptions, that they accounted them not as their Physicians, but as their Patients: These were the seditious Preachers, who could not be contented to be dispens'd with for their full Obedience to some Laws establish'd, without reproaching and inveighing against those Laws how establish'd soever." After some severe Expressions against these Preachers, he told them, that when the King spoke last in this Place, he said, 'He should not more propose to himself any one Rule in his Actions or Councils, than this; What is a Parliament like to think of this Action, or of that Counsel? And that it should be want of Understanding in him, if it would not bear that Test.' That in a little time after the Dissolution of the last Parliament, while his Majesty accompany'd his Mother to the Sea-side, the most desperate and prodigious Rebellion broke out in this City, that had been heard of in any Age; and by the multitude of intercepted Letters from and to all the Counties of England, in which the Time was set down wherein the Work of the Lord was to be done, by the desperate Carriage of the Traytors themselves, and the bragging of their Friends, it might be concluded the Combination reach'd very far; and, if the indefatigable Industry of the Lord Mayor had not prevented it, probably the Fury would not have been extinguish'd, before this famous City,

or

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or a great Part of it, had been burnt to Ashes: And therefore it would become their Wisdoms to provide new Remedies for new Diseases, and to secure the precious Person of their Sovereign from the first Approaches of Villany; and the Peace of the Kingdom from the first Overtures of Sedition." Then he proceeded to speak of the King's intended Marriage, which he said, ' would be the most grateful News that the whole Kingdom could receive: That it would be judg'd an irrecoverable Error in Policy, if Portugal should be suffer'd again to be swallow'd up by Spain: That the Spanish Ambassador was solicitous to obstruct the Match; and the King had not conceal'd from his Council, what that Ambassador had offer'd against this Marriage; what Proffers he had made of others, what Threats of War in one Case, what Advantage of Dowry in another; nay, that he had pretended to be so solicitous for the Advancement of the Protestant Religion, that he had offer'd several Protestant Princesses, to whom his Master should give a Portion, as with the Infanta of Spain: But he had wish'd press'd very earnestly the delivering up of Dunkirk and Jamaica; by that it was plain the Spanish King would have that Recompense for the Portion he would give. That there being an unanimous Advice from his Council to make this Marriage, his Majesty had sent for the Portugal Ambassador, had declared his Resolution to him, had writ himself to Portugal, and was preparing his Fleet to fetch home their Queen. In the last place he told them there were some other Particulars of Weight, but he would reserve them till they met again, after they had chosen their Speaker."

After the Chancellor had ended, and his Majesty was withdrawn, the House proceeded to the Choice of a Speaker. And, in complaisance to a Recommendation from Court, fix'd on Sir Edward Turner, * Solicitor to the Duke of York; who being return'd to the King for, and having received his Approbation, made a Speech to his Majesty, in which were the following Expressions.

Sir Edward
Turner chosen
Speaker.

' That as the former Spirit of Reformation at first brought us into this Misery; so the Spirit of Giddiness which God sent among our Reformers, at length cured us.' Then applying himself to the King, he said, ' As we have Cause at all times to bless God, that he hath thus brought your Majesty to your People; so we have just Cause at this Time to return our hearty Thanks unto your Majesty, that you have thus brought your People to yourself. The Sun exhales the Vapours from the Earth, and then sends them down in Showers of Plenty; so we joyfully find that our Obedience and

The Speaker's
Speech to the
King.

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* And afterwards to the King.

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Affection to your Majesty, are return'd upon our Heads in Plenty, Peace and Protection. The last Meeting here in Parliament was happy in healing the bleeding Wounds of this Nation; they were blest'd also, even for their Works sake, your sacred Majesty did bless them, and therefore they shall be blessed to all Posterity. But, Sir, we hope you have a Blessing left for us too: That was your Parliament by Adoption, but this is yours by Birth-Right: This Parliament is Free-born; I hope this Honour will beget in us an Emulation to exceed the Actions of our Predecessors, and not only to meet your Majesty as our Sovereign, with the Duty of Subjects, but with the Love of Sons to a most indulgent Father.— If the Affections of all Englishmen can make you happy; if the Riches of this Nation can make you Great; if the Strength of this warlike People can make you considerable at Home and Abroad, be assured you are the greatest Monarch in the World. Give me leave to double my Words and say it again, I wish my Voice could reach to Spain, and to the Indies too, You are the greatest Monarch in the World! Then he concluded with the usual Request for the Commons wonted Privileges, Freedom of Speech, Protection from Arrests, and Access to his Majesty upon all Occasions.

The Chancellor's second Speech to the Commons.

Upon the finishing of this, the Lord-Chancellor made a second Speech by way of Supplement to his former; in which he told the Speaker and the Commons, ' That the King had done his Part, by publishing the very Day he intended the Parliament should meet, a good Time before the Writs were seal'd, that the Country might not be surpriz'd in their Elections; but that they might send up such a Representative to him as he might make a clear View and Prospect of the Affections and Desires of his People: And he is perswaded that the Commons of England were never more exactly represented than they were in the present Knights, Citizens and Burgeesses.' After that he took notice ' of the great Privilege of the common People of England to be represented by the greatest, and learnedest, and wealthiest and wisest Persons that could be chosen out of the Nation: But, added he, the compounding the Commons of England, that noble Representative, with the common People of England, was the first Ingredient of that accursed Dose which intoxicated the Brains of Men with that Imagination of a Commonwealth; a Government as impossible for the Spirit and Genius of the English Nation to submit to, as it is to persuade them to give their Cattle and their Corn to other Men, and to live themselves upon Herbs and Roots.' He told them there was not a Commonwealth in Europe, where every Man that was worth one thousand Pounds

Pounds, did not pay more to the Government, than a Man of a thousand Pounds a Year ever did to the Crown here before the late Troubles; and he was persuaded that that Monster Commonwealth cost this Nation more in the few Years she was begot, born and brought up, and in her Funeral, than the Monarchy had done these six hundred Years. Then he proceeded to other Heads, and particularly urg'd them to provide against the excessive Drinking and Expences that prov'd inconvenient in Elections; and recommended to them the great Improvements to be made by draining of Fens, and the like. Lastly, he desired them, 'That they would use such Expedition in their Counsels of most Importance, that the rest may be left to a Recess in the Winter, after an Adjournment, that his Majesty might have Time to bestow himself upon his Subjects in a Progress which he would be glad to begin before the End of July. That his Majesty desired again to see his good City of Worcester, and to thank God for his Deliverance there; and to thank God even in those Cottages, and Barns, and Hay-Lofts, wherein he was shelter'd, and feasted, and preserved: And in the Close of that Progress he hopes he shall find his Queen in his Arms: and so return to meet them there the Beginning of Winter.

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These Ceremonies being over, the Parliament proceeded to the great Affairs of the Kingdom; and within three Days both Houses came to a Vote and Resolution concerning the King's intended Marriage, and accordingly attended his Majesty at Whitehall with their humble Acknowledgment and Thanks for the free and gracious Communication of his Resolution to marry with the Infanta of Portugal; which they conceiv'd to be of so high a Concernment to this Nation, that they receiv'd it with great Joy and Satisfaction, and did with all Earnestness beg a Blessing upon, and a speedy Accomplishment of it; and they could not but express their own unanimous Resolutions, which they were confident would have a general Influence upon the Hearts of all his Subjects: That they should upon all Occasions be ready to assist his Majesty in the Pursuance of these his Intentions against all Oppositions whatsoever. To which the King return'd his particular Thanks, declaring, 'That he did, in the matter of the intended Marriage, as much study their Good, as his own.'

The Thanks of
both Houses
given to his
Majesty.

While this was transacting, the House, first, order'd all their Members to take the Sacrament according to the prescribed Liturgy, on pain of Expulsion; and then, in conjunction with the Lords, on the 20th of May, order'd that the Instrument of Writing, that had caus'd so much Mischiefe, call'd, The solemn League and Covenant, should be

The Commons
oblige them-
selves to take
the Sacrament,
and order the
Covenant to be
burnt.

be

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As likewise the
Act for erecting
the high Court
of Justice, &c.

be burnt by the Hand of the common Hangman, in the Palace-Yard at Westminster, in Cheapside, and before the Old-Exchange, on the 22d of May; and be forthwith taken off the Record in the House of Peers, and all other Courts and Places where the same is recorded; and that all Copies thereof be taken down out of all Churches, Chapels, and all other public Places in England and Wales. A few days after, May 28, they likewise order'd, the Act for erecting a High Court of Justice, for Trying and Judging Charles Stuart, the Act for Subscribing the Engagement against a King and House of Peers; the Act for declaring the People of England to be a Commonwealth and Free-State; the Act for Renouncing the Title of Charles Stuart, and also the Act for the Security of the Lord Protector's Person, to be burnt by the hands of the common Hangman, in the midst of Westminster-Hall, while the Courts were sitting.

About this time, Mr Prynne (a Member) narrowly escaped the Censure of the House, for publishing certain Reasons against an intended Bill for regulating Corporations, as contrary to Magna Charta: And, the Republican Party apprehending the late Act of Oblivion to be insufficient, unless confirm'd by the present Parliament, his Majesty sent the following Letter to the House of Commons.

The King's
Letter for con-
firming the Act
of Indemnity.

' At the Opening our Parliament you were told; That
' we had a great Desire this Summer to make a Progress
' through some Parts of our Kingdom, which we resolve to
' begin in Devotion to our City of Worcester, that we may
' pour out our Thanks to God for our Deliverance there;
' and the Season of the Year quickens us in that Inclination,
' as we presume it disposes you to a Desire to withdraw
' from this City, and to visit your Countries. But you may
' remember we told you then, That we had caus'd some
' Bills to be prepared for you, for Confirmation of what we
' enacted in our last Meeting; and we said all we could to
' you of the Value we set upon the Act of Indemnity (as
' we have great reason to do) and if we could have used
' stronger Expressions to have conjur'd you speedily to have
' dispatch'd it, we assure you we would have done it. And
' we did think what we said would have made an Impression
' on all who profess a Desire to serve us; and therefore we
' expected every Day, that the same Bill would have been
' presented to us for another Assent. We must confess, we
' hear you have shewed great Affection to us, since your
' coming together, and that you have already prepared and
' pass'd some very good Bills (for which we heartily thank
' you) that are ready for the Royal Assent: Yet we cannot
' but tell you, That tho' we are enough concern'd to expe-
' dite

'dire those Bills, we have no mind to pass them till the
'Act of Indemnity be likewise presented to us, upon which,
'if you take our Word, most of our Quiet and Good de-
'pends, and in which we are sure our Honour is concern'd.
'Therefore we must again, and as earnestly as is possible,
'conjure you to use all possible Expedition in passing that
'Act in the same Terms we already pass'd it (to which we
'take Ourself oblig'd) and that you will for the present lay
'aside all private Business, that so betaking yourselves only
'to the Public, you may be ready to adjourn by the mid-
'dle of the next Month, which will best suit with all our
'Occasions.'

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This Letter did not fail of being receiv'd with due Re-
spect, and the House resolv'd to bring in a Bill according-
ly: But, as a new Instance of their Loyalty and Duty, pro-
ceeded, first, to settle the Revenue on such a footing as
might more effectually maintain the Splendor and Grandeur
of the Kingly Office. Accordingly this capital Point was
referr'd to the Consideration of a Committee, of which
Sir Philip Warwick was Chairman; who reported, that on
a thorough Examination, there was a Deficiency of full
265,000l. on the different Funds, already appointed to answer
that end: Upon which it was order'd, 'That forthwith be
provided a plentiful Supply for his Majesty's present un-
avoidable great Occasions, as well as a Settlement of a con-
stant, and standing Revenue.' And accordingly a Bill was
brought in 'To enable his Majesty to send out Commissions
to receive the free and voluntary Contributions of his Peo-
ple, towards the present Supply of his Majesty's Affairs, &c.'

Having finish'd this, and the Bill for Confirmation of the
Act of Oblivion and Indemnity, on the 8th Day of July
the King came to the House of Peers, where, being seated
on his Throne, the Speaker of the House of Commons,
among other things, spoke thus to his Majesty: 'Your
Majesty was pleased, at the Opening of the Parliament, to
recommend to us two Bills; one for Confirmation of public
Acts, another for the private Acts that passed the last Par-
liament: They were so many in Number, and great in
Weight, that hitherto we could not consider of them all:
but some we have perus'd, as the Act for Confirmation of
Judicial Proceedings, that for taking away the Court of
Wards and Liveries, and also all those that relate to your
Majesty's Customs and Excise. And that we might with
some Chearfulness see your Majesty's Face, we have
brought our Brother Benjamin with us, I mean your Act
of Oblivion. I take the Boldness to call it yours, for so it
is by many Titles: Your Majesty first conceiv'd it at Breda,
you help'd to contrive and form it here in England, and we

The Speaker's
Speech to the
King.

must

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must all bear you witness, you labour'd and travell'd till it was brought forth: And since it had a Being, some question being made of its Legitimation, your Royal Heart is not at ease until it be confirm'd. And now, Sir, give me leave to say, By the Suffrage of a full, a free, and legal Parliament, it is presented to your Majesty to be naturaliz'd. Your Majesty's Desires are fully answer'd by all the Representatives of the People; and their hearty Prayer to God is, That all your Subjects may be truly thankful to you, and that your Majesty may long live to enjoy the Fruits of the unparalleled Mercy. Your Majesty was pleas'd lately to intimate to us, That you so valu'd the Quiet and Satisfaction of your People, and the keeping of your royal Word, that tho' divers other Bills were made ready for you, you would vouchsafe the Honour to this Bill alone, your Favourite, to come and pass it. Sir, hereby you have made this a great Holiday, and we shall observe it with Joy and Thanksgiving. Upon such solemn Festivals, there used to be a second Service, and Anthem, and a Collect, or at least an Offering: My Anthem shall be, *Quid tibi retribuam, Domine?* And my Collect, a short Report of your Revenue. Then mentioning the King's Patience, Providence, and Frugality abroad, in not bringing home any Debts for the Nation to pay, &c. he thus concluded: 'The Commons of England do by me their Servant humbly present you with this Bill, intituled, An Act for a free and voluntary Present, and wish it a Success answerable to your Royal Heart's Desire.'

In the passing of the two Bills mentioned in the Speaker's Speech, the King himself spoke as follows:

The King's
Speech at his
passing two Bills

' My Lords and Gentlemen,
' **I** T is a good time since I heard of your passing this Bill of Money, and I am sure you would have presented it to me sooner, if you had thought I had desired it; but the truth is, tho' I had need enough of it, I had no mind to receive it from you, till I might at the same time give my Assent to this other very good Bill that accompanies it, for which I long'd very impatiently. I thank you for both with all my heart; and tho' there are other good Bills ready, with which you will easily believe I am very well-pleas'd, and in which I am indeed enough concern'd, yet I chose rather to pass these two Bills together, and to pass them by themselves without any other, that you may all see, and in you the whole Kingdom, that I am at least equally concern'd for you and them, as for myself: And in truth it will be want of Judgment in me, if ever I desire any thing for myself, that is not equally good for you and them. I am confident you will believe that my Well-being

' Being is of some Use and Benefit to you, and I am sure
 ' your Well-Being, and being well pleas'd, is the greatest
 ' Comfort and Blessing I can receive in the World. I hope
 ' you will be ready within a few Days to dispatch those
 ' other public Bills which are still depending before you,
 ' that I may come hither and pass all together, and then ad-
 ' journ till Winter, when what remains may be provided
 ' for. The last Parliament by God's Blessing laid the Foun-
 ' dation of the Happiness we all enjoy; therefore I thought
 ' it but Justice to the Memory of it, to send you Bills for
 ' the Confirmation of what was then enacted; and I can-
 ' not doubt but you will dispatch what remains of that kind
 ' with all convenient Speed; and that you will think, that
 ' what was then thought necessary for the public Peace,
 ' ought not to be shaken now, or any good Man less
 ' secure of what he possesses, than he was when you came
 ' together. It is to put myself in mind, as well as you,
 ' that I so often mention to you my Declaration from
 ' Breda: And let me put you in mind of another Declara-
 ' tion publish'd by yourselves about the same time, and
 ' which I am persuaded made mine the more effectual, an
 ' honest, generous, and christian Declaration, sign'd by the
 ' most eminent Persons, who had been the most eminent
 ' Sufferers, in which you renounc'd all former Animosities,
 ' all Memory of former Unkindnesses, vow'd all imaginable
 ' Good will to, and all Confidence in each other. There-
 ' fore let it be in no Man's power to charge me or you
 ' with breach of our Word or Promise: Let us look for-
 ' wards, and not backwards, and never think of what is
 ' pass'd, except Men put us in mind of it by repeated faults
 ' we had forgot, and then let us remember no more than
 ' what concerns those very Persons. God hath wrought a
 ' wonderful Miracle in settling us as he hath done; I pray
 ' let us do all we can to get the Reputation at home and
 ' abroad of being well-settled. We have Enemies and
 ' Envyers enough, who labour to have it thought other-
 ' wise; and if we would indeed have our Enemies fear us,
 ' and our Neighbours love and respect us, and fear us
 ' enough to love us, let us take all the Ways we can, that
 ' as the World cannot but take notice of your extraordi-
 ' nary Affection to me, and of the Comfort I take in that
 ' Affection, so that it may likewise take notice of your
 ' Affection to, and Confidence in each other; which will
 ' disappoint all Designs against the public Peace, and fully
 ' establish our joint Security.

As the King seem'd on one hand to make it a Point to
 perfect the Act of Indemnity, the Commons, on the other,
 TOM. I. F appear'd

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Proceedings
against the Re-
gicides.

appear'd as zealous to offer up Victims, to the Memory of his Father. Accordingly they proceeded to the Confiscation of the Estates of twenty one Regicides deceased, viz. Pelham, Skippon, Edwards, Constable, Dean, Danvers, Moore, Alured, Stapley, Frye, Allen, Maleverer, Blakestone, Hammond, Bouchier, Horton, Purefoy, Norton, Ewer, Ven, and Andrews. They likewise order'd the Lord Mounson, Sir Henry Mildmay, and Mr. Robert Wallop, who had been favour'd, as the others had been, reserv'd in the Act of Indemnity, to be brought to the Bar of the House of Commons; where confessing their Crimes, a Bill was order'd to be brought in to confiscate their Estates, as also Sir James Harrington and John Phelps, not yet apprehended: and it was farther order'd, 'That the Lord Mounson, Sir James Harrington, and Sir Henry Mildmay should be degraded of their several Honours and Titles; and that those now in Custody, and the other two, when apprehended, should all be drawn upon Sledges with Ropes about their Necks, from the Tower of London to, and under the Gallows at Tyburn, and thence convey'd back to the Tower, there to remain Prisoners during their Lives.' Which Sentences were solemnly executed upon the 30th of January following.

The Speaker's
Speech at the
breaking up of
the Session.

As much Business being effected, and as many Acts prepared as cou'd well be compleated in a limited Time, the King came to the House of Peers on the 30th Day of July, when he thought a Recess very necessary. Being seated on his Throne, the Speaker of the House of Commons presented the several Bills for the Royal Assent, the Nature of which will be best understood by giving the Substance of his Speech to his Majesty: 'Your loyal House of Commons have with unwearied Labour consulted for the Service of your Majesty, and the Good of this Nation; and now the Fields grow white to Harvest. In the great Field of Nature all Fruits do not grow ripe together, but some in one Month, some in another; So it is in the Course of our Proceedings: some of our Fruits are in the Blossom, when others are in the Bud; some are near ripe, and others fit to be presented to your Majesty. Amongst the Number of our choicest ripe Fruits, we first present you with a Bill for the Safety and Preservation of your Majesty's Royal Person and Government; wherein we desire it may be enacted, That if any Person shall compass, imagine, or design your Majesty's Death, Destruction, or bodily Harm, to imprison or restrain your Royal Person, or depose you, or shall levy War against your Majesty, within or without your Realm, or stir up any foreign Power to invade you, and shall declare or express
such

Each his wicked Intention by Printing, Writing, Preaching, or malicious and advised Speaking, being thereof legally convicted, shall be adjudg'd a Traytor. And because much of our late Misery took its Rise from seditious Pamphlets, and Speeches from the Pulpits, it is provided, That if any Man shall maliciously and advisedly publish or affirm your Majesty to be an Heretic, or a Papist, or that you endeavour to introduce Popery, or shall stir up the People to Hatred or Dislike of your Royal Person or Government, then every such Person shall be made incapable of any Office or Employment, either in the Church or State. And if any Man shall maliciously and advisedly affirm, That the Parliament begun in Westminster the 3d of November 1640 is yet in Being, or that any Covenant or Engagement, since that Time impos'd upon the People, doth oblige them to endeavour a Change of the Government either in Church or State; or that either, or both Houses of Parliament have a Legislative Power without your Majesty; then every such Offender, being thereof legally convict, shall incur the Penalties of a Premunire, mention'd in the Statute made 15th of Richard II.

' In the next place, Sir, give me Leave, I beseech you, without any Violence to the Act of Oblivion, to remember a sad Effect of the Distempers in the last Age: When the Fever began to seize upon the People, they were impatient till they lost some Blood: The Lords Spiritual, who in all Ages had enjoy'd a Place in Parliament, were by an Act of Parliament excluded. Your Majesty's Royal Grandfather was wont to say, No Bishop no King: we found his Words true; for, after they were put out, the Fever still increasing, in another Fit the Temporal Lords follow'd, and the King himself. Nor did the Humour rest there, but, in the Round, the House of Commons was first garbled, and then turn'd out of doors. It is no wonder, when a Sword is put into a Mad-man's Hand, to see him cut off Limb by Limb, and then to kill himself. Your Majesty is now happily restored to the Government, the Temporal Lords and Commons are restored to their Seats in Parliament, and shall the Church alone suffer? *Sit Ecclesia Anglicana libera, & habeat Libertates suas illasas!* In order to this great Work, the Commons have prepared a Bill to repeal the Law made in the 17th Car. whereby the Bishops were excluded this House. These noble Lords have all agreed, and now we beg your Majesty will give it Life: Speak but the Word, Great Sir, and your Servants yet shall live.

' We cannot forget the Method, how our late Miseries, like Waves of the Sea, came in upon us: First the People

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were invited to Petition, to give colour to some illegal Demands: then they must Remonstrate; then they must Protest; then they must Covenant; then they must Associate; then they must engage against our lawful Government, and for the Maintenance of the most horrid Tyranny that ever was invented. For the prevention of this Practice for the future, we do humbly tender to your Majesty a Bill entitled, An Act against Tumults and Disorders, upon pretence of preparing or presenting public Petitions or Addresses to your Majesty or the Parliament. In the next place, we hold it our Duty to undeceive the People, who have been poison'd with an Opinion, That the Militia of this Nation was in themselves, or in their Representatives in Parliament: And, according to the ancient known Laws, we have declared the sole Right of the Militia to be in your Majesty. And forasmuch as our Time hath not permitted us to finish a Bill intended for the future ordering of the same, we shall present you with a Temporary Bill, for the present managing and disposing of the Land Forces: And likewise another Bill, for the establishing certain Orders for the Regulation and Government of your Majesty's Navies and Forces by Sea. According to your Majesty's Commands, we have examin'd many of the public and private Bills which pass'd last Parliament, and have prepared some Bills of Confirmation. We have also ascertained the Pains and Penalties to be impos'd upon the Persons or Estates of those Miscreants who had a hand in the Murder of your Royal Father of blessed Memory, and were excepted in your Majesty's Act of Oblivion: Wherein we have declared to all the World, how just an Indignation we had against that horrid Regicide. We have likewise prepared a Bill for the Collection of great Arrears of the Duty of Excise, which I do here, in the Name of the Commons of England, present unto your Majesty.—Your Majesty was pleas'd, at the Opening of the Parliament, to tell us you intended this Summer to take a Progress, and see your People, and at your Return hoped to bring a Queen home with you. Sir, this welcome News hath made us cast about all Ways for your Accommodation; and therefore that no Conveniencies might be wanting for yourself, your Queen, or Attendants, we have prepared a Bill entitled, An Act for providing necessary Carriages in all your Royal Progresses and Removals. Your Majesty was likewise pleas'd at our first Meeting, to say, You wou'd not tire us with hard Duty, and therefore about this Time intended a Recess. That Royal Favour will now be seasonable, and we hope advantageous to your Majesty, and ourselves. We know in our Absence your Princely Heart and Head will not be free from Cares and Thoughts

of our Protection: And when we leave our Hive, like the industrious Bee, we shall but fly about the several Countries of the Nation to gather Honey; and when your Majesty shall be pleas'd to name the Time, return with loaded Thighs unto our House again.'

At the passing of the afore-mention'd Bills, the King made the following Speech.

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' My Lords and Gentlemen,

I Perceive by the thin Appearance of the Members of both Houses this Day, that it is high time to adjourn: In truth, the Season of the Year, as well as your particular Affairs, require it, and therefore I do willingly consent to it. I thank you for the many Bills you have presented me with this Day, of which I hope the Benefit will redound to the whole Kingdom. I thank you for the Care you have taken for the Safety of my Person; which, trust Me, is the more valuable to Me, for the Consequence I think it is of to You; and, upon my Conscience, there is no body wishes ill to Me, but they who would quickly revenge themselves of You, if they cou'd. I thank you for the Care you have taken of yourselves, of your own Safety and Honour, in the Act against Tumults and Disorders upon pretence of Petitions; to which Licence we owe much of the Calamities we have undergone: But I thank you with all my heart, indeed as much as I can do for any thing, for the Repeal of that Act which excluded the Bishops from Parliament: It was an unhappy Act in an unhappy Time, pass'd with many unhappy Circumstances, and attended with miserable Events, and therefore I do again thank you for repealing it. You have thereby restored Parliaments to their primitive Institutions; and I hope, my Lords and Gentlemen, you will in a short time restore them to the primitive Order, and Gravity of Debates and Determinations, which the Licence of the late distemper'd Times had so much corrupted; which is the only way to restore Parliaments to their primitive Veneration with the People, which I heartily wish they shou'd always have.

The King's
Speech at the
same time.

' My Lords and Gentlemen,

You are now going to your several Countries, where you cannot but be welcome for the Services you have perform'd here: I do very earnestly recommend the good Government and Peace of your Countries to your Care, and your Counsel, and your Vigilance. There are distemper'd Spirits enough, which lie in wait to do mischief,

chief,

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chief, by laying Reproaches upon the Court, upon the Government, Reproaches upon Me, and Reproaches upon You: your Wisdoms and Reputations, and Authority will, I doubt not, weigh down their light Credit; and the old and new good Laws will, I hope, prevent any Mischief they intend. However, you have done very well, and I do very heartily thank you for it, in declaring my sole Right over the Militia, the questioning of which was the Fountain from which all our bitter Waters flow'd. I pray make haste to put the whole Kingdom into such a Posture, that evil Men, who will not be converted, may yet chuse to be quiet; because they find that they shall not be able to do the harm they desire to do. I know you have begun many Bills in both Houses, which cannot be finish'd till your Meeting again; and that they may be finished then, I forbear to make a Session now, but am contented that you adjourn till the twentieth of November, when I hope, by God's Blessing, we shall come happily together again. In a word, my Lords and Gentlemen, I thank you for what you have done, and am confident, that what you have left undone you will dispatch with all Alacrity, and to all our Satisfaction, at our next Meeting: And so you may adjourn till the twentieth of November.

The second
Session of the
second Parliament.

After a Recess of almost four Months the Parliament met again, the Bishops being likewise restor'd to their Seats in the House of Peers, and were thus harang'd from the Throne by his Majesty.

The King's
Speech to both
Houses.

My Lords, and Gentlemen of the House of Commons, I Know the Visit I make you this Day is not necessary, is not of course; yet if there were no more in it, it would not be strange that I come to see what you and I so long desired to see: The Lords Spiritual and Temporal, and the Commons of England met together to consult for the Peace and Safety of the Church and State; by which Parliaments are restored to their primitive Lustre and Integrity. I do heartily congratulate with you for this Day. But, my Lords and Gentlemen, as my coming hither at this time is somewhat extraordinary: It is to say something to you on my own Behalf, to ask something of you for my self; which is more than I have done of you, or of those that met here before you, since my coming into England. I need not have done it to them; and, upon my Conscience, I need not do it now. They did, and you do, upon all Occasions, express so great an Affection and Care of all that concerns me, that I may very well refer, both the Matter and Man-

ner of your doing any thing for me, to your own Wisdoms and Kindness : And indeed, if I did think that what I am to say to you now did alone, or did most concern myself; if the uneasy Condition I am in, if the Streights and Necessities I am to struggle with did not manifestly relate to the public Peace and Safety, more than to my particular, otherwise than I am concern'd in the Public, I should not give you this trouble this Day. I can bear my Necessities, which merely relate to myself, with patience enough.

Mr. Speaker, and you Gentlemen of the House of Commons, I do not now importune you to make more haste in the constant Revenue of the Crown, than is agreeable to the Method you propose to yourselves: I desire you seriously to consider the insupportable Weight that lies upon it, the Obligations it lieth under to provide for the Interest, Honour and Security of the Nation in another Proportion than in any former times it hath been oblig'd to. I know very well, you have very affectionately and worthily taken all this into your Thoughts, and will proceed in it with as much Expedition, as I can reasonably wish; but I come to put you in mind of the crying Debts which do every day call upon me for some necessary Provisions, which are to be made without delay, for the very Safety of the Kingdom; of the great Sums of Money that should be ready to discharge the several Fleets when they come home, and for the necessary Preparations that are to be made for setting out new Fleets to Sea against the Spring; that Revenue being already anticipated to as important Services, which should be assign'd to those Preparations. These are the pressing Occasions which I am forc'd to recommend to you with all possible Earnestness, and do conjure you to provide for as speedily as possible, in such a manner, as may give us security at home, and some Reputation abroad. I make this Discourse to you with some Confidence, because I am very willing, and desirous, that you should thoroughly examine whether these Necessities I mention, be real, or imaginary; or whether they be fallen upon us by my Fault, by my own Managery, or Excesses, and provide for them accordingly. I am very willing that you make a full Inspection into my Revenue, as well the Disbursements, as Receipts; and if you find it hath been ill manag'd by any Corruption in the Officers I trust, or by my own Unthriftiness, I shall take the Information and Advice you shall give me very kindly: I say, if you find it; for I would not have you believe any loose Discourses, how confidently soever urg'd, of giving away eighty thousand Pounds in a Morning,

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‘ Morning, and many other Extravagancies of that kind.
‘ I have much more reason to be sorry, that I have not to
‘ reward those who have ever faithfully serv’d the King
‘ my Father, and myself, than asham’d of any Bounty I
‘ have exercis’d towards any Man.

‘ My Lords and Gentlemen, I am sorry to find, that the
‘ general Temper and Affections of the Nation are not so
‘ well compos’d, as I hoped they would have been, after
‘ such signal Blessings from God Almighty upon us all, and
‘ after so great Indulgence and Condescensions from me
‘ towards all Interests. There are many wicked Instru-
‘ ments still as active as ever, who labour Night and Day
‘ to disturb the public Peace, and to make all People jea-
‘ lous of each other. It will be worthy of your Care and
‘ Vigilance, to provide proper Remedies for the Diseases
‘ of that kind; and if you find new Diseases, you must
‘ study new Remedies. Let us not be discourag’d; if we
‘ help one another, we shall by God’s Blessing master all
‘ our Difficulties: These which concern Matters of Reli-
‘ gion, I confess to you are too hard for me; and there-
‘ fore I do recommend them to your Care and Delibera-
‘ tion, which can best provide for them. I shall not need
‘ to recommend, or put you in mind of the good Corre-
‘ spondence that ought to be kept between you for the Good
‘ of your selves, and me, and the whole Kingdom; and I
‘ may tell you, it is very necessary for us all. You will
‘ find whosoever doth not believe me, doth not love you;
‘ and they who have not Reverence for you, have little
‘ Kindness for me. Therefore, I pray, let us adhere fast
‘ to each other, and then we shall, with the Help of God,
‘ in a short time persuade, or oblige all Men to that Sub-
‘ mission, and Obedience to the Law, as may constitute a
‘ full Measure of Happiness to Prince and People, and per-
‘ suade our Neighbours to that Esteem and Value they have
‘ formerly had for us.’

Pursuant to this Speech the Parliament proceeded dili-
‘ gently to Business, and the better to preserve the Peace of
‘ the Nation, both Houses immediately agreed to petition for
‘ a Proclamation, ‘ For disarming the disbanded and ca-
‘ shtier’d Officers and Soldiers, and to command them to de-
‘ part twenty Miles from the City of London, for such time
‘ as his Majesty shall think fit.’ And the Commons, to shew
‘ their Readiness to assist the King in his Wants, on the same
‘ Day, voted, ‘ That the Sum of Twelve Hundred Thousand
‘ Pounds should be speedily paid and rais’d for the Supply
‘ of the King’s Majesty’s present Occasions;’ and so pro-
‘ ceeded accordingly. For which the King soon after re-
‘ turn’d

A Vote for
Twelve Hun-
dred Thousand
Pounds.

sent'd his hearty Thanks, and particularly express'd, How *Anno 13 Car. II. 1661.* exceeding much he was beholden to the House of Commons for their great Gift, and the manner of it, in giving so freely. After which, he declared by a Message to the Commons, signifying, 'That, making the Good of his People the Subject of his Thoughts, and considering that the calling in the Money, called the Commonwealth's Money, by the last of this Month, might be prejudicial to his People, and hazard the Exportation of a great Part thereof, he was graciously pleas'd, by the Advice of his Privy Council, to direct a Proclamation to be issu'd, signifying his Majesty's Pleasure to accept of the said Money in any Payment to be made to him till the 25th Day of March next.'

The first Parliament having respit'd the Punishments of several of the Regicides, as well those that lay under Condemnation, as others not so flagrantly guilty of that Crime, the Houses resum'd the Matter, and on the 25th of November those Regicides that came in upon Proclamation were brought to the Bar of the House of Lords, to answer what they could say for themselves, why Judgment should not be executed against them. They severally alledg'd, 'That, upon his Majesty's gracious Declaration from Breda, and the Votes of Parliament, and his Majesty's Proclamation, published by the Advice of the Lords and Commons then assembled in Parliament, they did render themselves, being advis'd that they should thereby secure their Lives; and humbly crav'd the Benefit thereof, and the Mercy of the Houses, and their Mediation to his Majesty in their Behalves.' Harry Marten briskly added, That he had never obey'd any Proclamation before this, and hoped that he should not be hang'd for taking of the King's word now. New Debates arose about them, and a Bill was brought in for their Execution, which was read twice, but afterwards dropt; and so they were all sent to their several Prisons, and but little more heard of them. The Difficulty had like to have been the heavier upon them, by reason of several seditious Pamphlets publish'd about this time; still likewise by reason of a Message from the King, deliver'd by the Lord Chancellor in a Conference between both Houses. At which time the Chancellor declar'd, 'That the same did concern things of a high and dangerous nature, and that there had been a real Design, which had been forming ever since March last, to disturb the Union and Peace of this Kingdom:' And so proceeded to name several of the Parties engag'd, with the Manner and Contrivance of their barbarous Designs, and the Progress they had from time to time made therein. 'And this, although their Designs were at present disorder'd,

Proceedings against the Regicides renew'd.

Harry Marten's Plea.

The Chancellor's Declaration, concerning New Plots.

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as to the effecting of them in this Town, to which end they made a general Invitation of disbanded Soldiers, and disaffected Persons, to resort hither about the 11th of this Month; yet they were still practising to put the same in execution in the Country: And that the Lords, to provide a Remedy against these Evils, had appointed a Committee of Twelve of their House, and desired that an answerable Number of the other House be join'd with the Lords, who might, during the Recess, examine the said traitorous Designs, and find out such Expedients, as they should perceive necessary for the preventing and suppressing them, and securing the Peace of the Kingdom. All which they agreed to, and put in practice.

The King passes
some Acts.

The next Day, which was the 20th of December, the Money Bill, and the three other Bills being ready for the Royal Assent, the King came to the House of Peers, where the Commons Speaker presented to his Majesty a Bill for granting Twelve Hundred and Sixty Thousand Pounds to the King, to be levy'd by an Assessment of Seventy Thousand Pounds by the Month, for Eighteen Months. At the passing of this Bill, the King, in a short Speech, gave very hearty Thanks to the House for their great Present, and declared, That he had receiv'd the Benefit of it before he had it; the Reputation thereof having given him Credit both at home and abroad: And that he was not more willing to give his Royal Assent to that Bill, than he should have been to pass any Bills whatsoever, which that House should present to him for his People's Good. He likewise pass'd other three Bills at this time; the first, An Act for regulating Corporations; the second, For preventing vexatious Delays in Law-suits; and the last, For empowering his Majesty to make Leases of his Lands in the Dutchy of Cornwall. Upon the passing of which, the Parliament was adjourn'd to the 10th Day of January; and so breaking up, had a Recess for near three Weeks.

The Parliament
adjourn'd for
three Weeks.

And meets
again.

The Parliament being again met, January 10, according to Adjournment, the joint Committee of Lords and Commons appointed to make enquiry during the Recess, into certain Plots about that time said to be on foot, gave in their Report, which (if we may judge by the Account deliver'd to the Lords by Chancellor Hyde) was so contriv'd as to render them as formidable as possible; tho' apparently, with little Foundation: notwithstanding which, they had such weight with the Commons, that they proceeded with all possible Expedition to establish the Security of the Crown, by uniting the Militia to the Prerogative, and that of the Church to the Act of Uniformity. After which, taking into consideration the State of the Revenue, and willing to render

render the King yet more easy on that Head, they offer'd great Encouragement to all who should advance Money by way of Loan to answer his present Necessities: But were prevented, February 18, by the following Message from his Majesty, delivered by Secretary Morrice, who inform'd the House, ' That he had Directions from his Majesty to desire the House, that they wou'd put a Superseas to any further Debate upon the Bill for Permission to such Persons as should advance Money for his Majesty's present Occasions, to take Interest at Ten per Cent. That his Majesty, finding the Bill might have some ungrateful Relish in it, resolv'd to put himself upon the greatest Streights, rather than adventure upon any Course, that might in the least seem to disgust this House, or prejudice his good Subjects; and therefore would endeavour to find some other Means to supply his present urgent Occasions, and desir'd the Bill might be laid aside.' This Message affected them so much, that they immediately returned their humble Thanks to the King for his Tenderness to his People, and order'd; ' That his Majesty be made acquainted, That this House would leave no means unattempted to advance his Majesty's Revenue, and supply his present urgent Occasions.'

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A Message from
the King to the
Commons.

The King finding his Necessities to increase, within ten Days after, order'd the House of Commons to attend him at Whitehall, in a Body by themselves: Which was accordingly done upon the first of March; when his Majesty, after some remarkable Acknowledgments of their extraordinary Services, and having declared, That he knew most of their Faces, and never hoped to find better Men in their Places, proceeded thus :

' Mr. Speaker, and you Gentlemen of the House of Commons, **Y**OU will wonder now, after I have willingly made this just Acknowledgment to you, that I should lament, and complain, that I, and you, and the Kingdom are yet without that present Fruit and Advantage, which we might reasonably promise ourselves, from such a Harmony of Affections, and an Unity in Resolutions, to advance the publick Service, and to provide for the Peace and Security of the Kingdom, that you do not expedite those good Counsels that are most necessary for both. I know not how it comes to pass, but for these many Weeks past, even since your last Adjournment, private and particular Business hath almost thrust the Consideration of the public out of doors: And in truth, I do not know that you are nearer settling my Revenue than you were at Christmas: I am sure I have communicated my Condi-

The King's particular Speech
to the Com-
mons alone.

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tion to you without Reserve ; what I have coming in, and what my necessary Disbursements are ; and I am exceedingly deceived, if whatsoever you give to me, be any other ways given to me, than to be issu'd out for your own Use and Benefit. Trust me, it shall be so ; and if you consider it well, you will find that you are the richer by what you give, since it is all to be laid out, that you may enjoy the rest in Ease and Security. Gentlemen, I need not put you in mind of the miserable Effects which have attended the Wants and Necessities of the Crown. I need not tell you that there is a Republican Party still in the Kingdom, which had the courage to promise themselves another Revolution : And you know the only way, with God's Blessing, to disappoint their Hopes, and reduce them from those extravagant Desires, is to let them see that you have so provided for the Crown, that it hath wherewithal to support itself, and to secure you ; which is all I desire, and do desire it only for your Preservation. Therefore I do conjure you by all the Professions of Affection you have made to me, by all the Kindnesses I know you have for me, to betake yourselves to some speedy Resolutions, and settle such a real and substantial Revenue upon me, as may hold some proportion with my necessary Expences for the Peace and Honour of the Kingdom ; that they who look for Trouble at home, may despair of their Wishes ; and that our Neighbours abroad, by seeing all is well at home, may have that value and esteem for us, as may secure the Honour and Interest of the Nation, and make the Happiness of this Kingdom, and of this City, once more the Admiration and Envy of the World.

Gentlemen, I hear you are very zealous for the Church, and very solicitous, and even jealous that there is not expedition enough used in that Affair. I thank you for it, since I presume it proceeds from a good Root of Piety and Devotion : But I must tell you, I have the worst luck in the World, if, after all the Reproaches of being a Papist, while I was abroad, I am suspected of being a Presbyterian, now I am come home. I know you will not take it unkindly, if I tell you I am as zealous for the Church of England, as any of you can be, and am enough acquainted with the Enemies of it on all sides : That I am as much in love with the Book of Common-prayer, as you can wish, and have prejudice enough to those who do not love it, who, I hope, in time will be better inform'd, and change their minds ; and you may be confident, I do as much desire to see an Uniformity settled, as any amongst you. I pray trust me
in

in that Affair: I promise you to hasten the Dispatch of it with all convenient Speed; you may rely upon me in it. I have transmitted the Book of Common-Prayer, with those Alterations and Additions which have been presented to me by the Convocation, to the House of Peers, with my Approbation, that the Act of Uniformity may relate to it; so that I presume, it will be shortly dispatch'd there: And when we have done all we can, the well-settling that Affair will require great Prudence and Discretion, and the Absence of all Passion and Precipitation. I will conclude with putting you in mind, that the Season of the Year, and the Good you may do, will require a Recess into the Country, where you will find that many Tares have been sown in your Absence: The Arrival also of my Wife, whom I expect the next Month, and the Necessity of my being out of Town to meet her, and to stay some time before she comes hither, makes it very necessary that the Parliament break up before Easter, to meet again in the Winter: And that it may do so, I pray lay aside all private Business, that you may in that time dispatch the public — The mention of my Wife's Arrival puts me in mind to desire you to put that Compliment upon her, That her Entrance into the Town may be with more Decency, than the Ways will now suffer it to be; and to that purpose, I pray you would quickly dispatch and pass such Laws as are before you in order to the amending of those Ways, and that she may not find Whitehall surrounded with Water. I will detain you no longer, but do promise myself great Fruits of this Conversation with you, and that you will justify the Confidence I have in your Affections, by letting the World see, that you take my Concernments to heart, and are ready to do what I desire for the Peace and Welfare of the Kingdom.

This plausible Speech is said to have had such an Effect, that they proceeded to comply with every Particular demanded in it, with all possible dispatch: Accordingly they soon after prepar'd a Bill for Repairing the Streets and Highways in and about the Cities of London, and Westminster; A second (penal) against the People call'd Quakers: And, in settling the King's Revenue, appointed 60,000 l. to be distributed among the suffering Cavaliers, whose Loyalty had been their Ruin.

The Act of Uniformity, and several others being now ready for the Royal Assent, May 19, the King came to the House of Peers, and being attended by the Commons, was, after certain introductory Compliments, harangu'd by their
Speaker

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The Speaker's
Speech to the
King.

Speaker with the following good Speech, as 'tis call'd by Mr. Archdeacon Echard;

' If your Majesty but please to cast your Eyes upon the Table, and behold the great Number of Bills that there present themselves before you, like so many Sheafs of Corn bound up, and ready to be housed; and will vouchsafe to see how both my Hands are fill'd with no light Presents from your loyal Commons; and if your royal Majesty, the great Lord of the Harvest, shall vouchsafe to crown this Day by your Concessions to our Desires, the World will then see how great a Duty your People chearfully pay both to your royal Person and your Government, and likewise how great a Zeal your Majesty hath, by the faithful Advice of your Lords and Commons, to settle the Church in her ancient Glory, and to restore the happy People of this Nation to their ancient Rights and Privileges. Some foreign Writers, that envy the Happiness of our Government, injuriously asperse this Nation with a reproachful Saying, That the Crown of England is only maintain'd by the Benevolence of the People, which is never granted, but in exchange of some royal Prerogative. Great Sir, we know the strongest Building must fall, if the coupling Pins be pull'd out; therefore our Care hath been to prepare such Constitutions, that the Prerogative of the Crown, and the Propriety of the People, may, like squared Stones in a well-built Arch, each support the other, and grow the closer and stronger for any Weight or Force that shall be laid upon them. We cannot forget the late disputing Age, wherein most Persons took a liberty, and some Men made it their Delight, to trample upon the Discipline and Government of the Church; the Hedge being trod down, the Foxes and the Wolves enter'd, the Swine and other unclean Beasts defiled the Temple: At length it was discern'd, the Smeectymnian Plot did not only bend itself to reform Ceremonies, but sought to erect a popular Authority of Elders, and root out Episcopal Jurisdiction. In order to this Work, Church-Ornaments were first taken away, then the Means whereby Distinction or Inequality might be upheld among ecclesiastical Governors; then the Forms of Common Prayer, which, as Members of the public Body of Christ's Church, were enjoin'd us, were decry'd as superstitious, and in lieu thereof, nothing, or worse than nothing, introduced. Your Majesty, having already restored the Governors and Government of the Church, the Patrimony and Privileges of our Churchmen; we held it now our Duty, for the Reformation of all Abuses in the public Worship of God, humbly to present to your Majesty a Bill for the Uniformity of public Prayers, and Administration of Sacraments.

ments. We hope the God of Order and Unity will conform the Hearts of all the People in this Nation, to serve him in this Order and Uniformity.

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Next to the Worship and Service of God, we apply'd ourselves to the settling our great Concern the Militia: We have already, according to our Duties, and the Laws, declared the sole Right of the Militia to be in your Majesty: And we humbly tender your Majesty a Bill for the better Regulation and Ordering the Standing Forces of the Nation; wherein we have taken care to make all things so certain, that your Lieutenants and their Deputies may know what to command, and all the People learn how to obey. And, because our late Wounds are yet but green, and possibly before the Body politic be well purg'd, may incline to break out again, whereby your Majesty may be forc'd to draw your Sword before your Treasury be supply'd with Money, we have consented that your Majesty may raise for the three next ensuing Years, one Month's Tax in each Year, after the Rate of seventy thousand Pounds *per Menssem*, if necessity shall so require. In the next place, according to your Majesty's Commands, we have survey'd the wasted Revenue of the Crown; and in pursuance of our Promises, do humbly propound to your Majesty a fair Addition: We consider'd that great Part of your Revenue is but for Life, and depends upon the Peace and Trade of the Nation, and therefore may be much impaired by foreign Wars; therefore we have sought something that might arise within our Walls, and not be subject to such Contingencies. We fix'd at last upon those Places where we enjoy our greatest Comforts and Securities, our Dwelling-houses; and, considering even that Security is secured to us by your Majesty's Vigilance and Care in the Government, we have prepared a Bill, That all Houses in this Kingdom, of the yearly Value of above twenty Shillings, and not inhabited by Alms-men, shall pay to your Majesty, your Heirs and Successors, two Shillings yearly, for every Chimney-hearth in each House for ever. When the great Achitophels of our latter Age had by force ravish'd the venerable Laws of this Nation, then every petty Artist in his way, yea the very common Beggars had the Confidence to offer Violence to their Chastity. We have therefore been constrain'd to prepare several Bills for the Regulation of Trade, our Cloathing-Trade, our Fishing-Trade, our Trade for Stuffs, our Trade for Silks; and for the better Maintenance of Intercourse in Trade, to re-inforce our former Laws for maintaining the Highways, with some Additions for Decency and Pleasure of Travelers. God in his Providence hath determin'd, That the

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Poor we must have always with us: Some are made so by the immediate Hand of God; others by their Loyalty, Duty and Service to your royal Person, and your blessed Father; others by their own Wickedness and Idleness: We have taken care to relieve the first, to encourage the second, and to reform the last. Nor hath the Case of any private Person been unwelcome to us; those many private Bills that lie before your Majesty do enough confirm this Truth, That where we found it just and honourable, we have deny'd our helping Hand to none that pray'd it. And, now, great Sir, after these many Months most painful and faithful Service of your Majesty and our Countries, we hope we shall have leave to go home, to visit our Relations, to tell our Neighbours what great things your Majesty hath done for us, what great things, *absit Invidia Verbo*, we have done for your Majesty, and what great things God hath done for us all; and to pray Almighty God for his Mercy to this Nation, in the Continuance of your Majesty's long and happy Reign over us.

At the passing of the foremention'd Bills, the King made the following Speech.

The King's
Speech to both
Houses at the
Prorogation.

My Lords, and you Gentlemen of the House of Commons,
I Think there have been very few Sessions of Parliament, in which there have been so many Bills, as I have passed this Day: I am confident, never so many private Bills, which I hope you will not draw into Example. It is true, these late ill Times have driven Men into great Streights, and may have oblig'd them to make Conveyances colourably, to avoid Inconveniences, and yet not afterwards to be avoided; and Men have gotten Estates by new and greater Frauds than have been heretofore practis'd: And therefore in this Conjunction, extraordinary Remedies may be necessary, which hath induced me to comply with your Advice, in passing these Bills; but I pray let this be very rarely done hereafter. The good old Rules of the Law are the best Security; and let not Men have so much Cause to fear, That the Settlements they make of their Estates, shall be too easily unsettled, when they are dead, by the Power of Parliaments.

My Lords and Gentlemen, You have so much oblig'd me, not only in the Matter of those Bills which concern my Revenue, but in the Manner of passing them, with so great Affection and Kindness to Me, that I know not how to thank you enough. I do assure you, and I pray assure your Friends in the Country, That I will apply all you have given me, to the utmost Improvement of
the

the Peace and Happiness of the Kingdom; and will, with the best Advice and good Husbandry I can, bring my Expences within a narrower Compass. Now I am speaking to you of my own good Husbandry, I must tell you, that will not be enough: I cannot but observe to you, That the whole Nation seems to me a little corrupted in their Excess of living. Sure all Men spend much more in their Clothes, in their Diet, in all their Expences, than they have used to do. I hope it hath only been the Excess of Joy, after so long Sufferings, that hath transported us to these other Excesses; but let us take heed that the Continuance of them doth not indeed corrupt our Natures. I do believe I have been faulty myself; I promise you, I will reform; and if you will join with me in your several Capacities, we shall by our Examples do more Good, both in City and Country, than any new Laws would do. I tell you again, I will do my Part; and I will tell some of you, if you do not do yours. I hope the Laws I have pass'd this Day, will produce some Reformation with reference to the Multitude of Beggars and poor People which infest the Kingdom: Great Severity must be used to those who love Idleness and refuse to work, and great Care and Charity to those who are willing to work. I do very heartily recommend the Execution of those good Laws to your utmost Diligence; and I am sure I need not put you in mind so to settle the Militia, that all seditious Insurrections may not only be prevented, to which the Minds of too many are inclined, but that the People may be without reasonable Apprehension of such Insecurity. You will easily believe, that it is very necessary for the public Justice of the Kingdom, and even for the Preservation of the Reverence due to Parliaments, that I make this a Session; and it will be worthy of your Wisdoms when you come together again, to provide that there be not so great a Clamour against the multitude of Protections. I will say no more, but renew my hearty Thanks to you all, and refer the rest to the Chancellor.

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1662.

Accordingly the Lord Chancellor made a long and affecting Speech, of which some Account ought to be given. He told them, ' That they had, like the richest and noblest Soil, yielded the King two full Harvests in one Year; and therefore it was but good Husbandry to lie fallow for some time: They had not only supply'd the Crown to a good degree for discharging many Debts and Pressures, under which it even groan'd, and enabled it to struggle with the present Streights and Necessities;

The Substance
of the Lord
Chancellor's
Speech.

TOMES L.

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Debt

Ann. 24 Car. II.
1662.

Debts not contracted, and Necessities not run into by Improvidence and Excess; but they had wisely provided such a constant growing Revenue, as might with God's Blessing preserve the Crown from those scandalous Wants and Necessities, as had lately expos'd it and the Kingdom to those dismal Miseries, from which they were but even now buoy'd up: For whatsoever other human Causes might be assign'd, according to the several Fancies of Men, of the late miserable Distractions, they could not be so reasonably imputed to any one Cause, as to the extreme Poverty of the Crown: The want of Power could never have appeared, if it had not been for the want of Money. They had therefore worthily provided for the Vindication and Manifestation of the one by the Bill of the Militia, and for the Supply of the other by the Act for the Additional Revenue; and he doubted not but both the present and succeeding Ages would bless God, and celebrate their Memories for those two Bills, as the Foundation of their Peace, Quiet and Security. Then he proceeded to take notice, 'That the Spirit of Libelling was never more pregnant than at present; neither King, Parliament, Church, nor State could escape those Strokes of the Tongue, from which God alone could preserve the most innocent and excellent Persons. Men, he said, were no ways dispos'd to remember the general excellent Temper of the Time of Queen Elizabeth, the blessed Resignation of the People then to the Crown, the awful Reverence they then had to the Government, and to the Governors both in Church and State; but they remember, as if it was but Yesterday, how few Subsidies Parliaments then gave to the Queen, how small Supplies the Crown then had from the People, and wonder that the same Measures should not give the same Reputation, and make the same Noise in Christendom. But they were superior to such Reproaches, and well knew, that as to his present Majesty, at least two Parts of three, that have been given to him, have been issu'd out for Disbanding Armies never rais'd by him, and for Payment of Fleets never sent out by him, and of Debts never contracted by him. They also knew the vast Disparity between the former Times and the present, upon the account of the mighty Encrease of Commerce, Naval Powers, and other extraordinary things, in the several Parts of the World; so that the Crown was now at the necessary Expence by Sea and Land, of eight hundred thousand Pounds a Year, which formerly did not cost it eighty thousand Pounds a Year.

After this he proceeded to other Topics, and intimated the Necessity of making the People understand 'the Profit, Benefit

Benefit and Ease, which always attended a chearful Obedience, and Submission to Laws and Government; and declar'd that a little Pains, Kindness and Condescension in the Wise, towards the Weak, half the Diligence and Dexterity in Conversation and Example, which had been used to corrupt the People in their Loyalty and Understanding, would quickly reduce them to their primitive Temper, namely, to be the best Neighbours, and the best Friends, and the best Subjects in the World. And he doubted not but the great Piety and Devotion, the Moderation, Charity and Hospitality of the Bishops, in their several Dioceses, would in a short time recover the poor misled People: And tho' the Frowardness and Pride of some of their Teachers was not enough subdu'd; tho' some of the Clergy still repeated their old Errors, and did still discredit all their other Doctrine, with the Absence of any visible Repentance; yet he hoped the Laity would soon return into the Bosom of the Church, and easily discern the Fraud and Imposture of their Seducers; and that all Diligence would be used, heartily to reconcile both Clergy and Laity, by all Means which may prove effectual.* Then speaking of the Sharpness of the new Laws, he intimated, That the Execution of them still depended upon the Wisdom of the most discerning, generous, and merciful Prince, who having had more Experience of the Nature and Humour of Mankind, than any Prince living, could best distinguish between the Tenderness of Conscience, and the Pride of Conscience, between the real Effects of Conscience, and the wicked Pretences to Conscience; who knew how to guard himself and the Kingdom from the Violence of a malicious corrupted Will and Understanding, and to secure both from the feeble Nets of deluded Fancies and Imaginations: In a word, a Prince of so excellent a Nature, and so tender a Conscience himself, that he had the highest Compassion for all Errors of that Kind, and would never suffer the Weak to undergo the Punishment ordain'd for the Wicked.* Then he intimated to them, That many honest Persons, in the late Times, were misled by not discerning Consequences, who would as soon have renounc'd their Part in Heaven, as concurr'd in the first unwarrantable Action, if they had suspected what follow'd. But the most dangerous Enemies to the public Peace, he said, were the Republicans, the Commonwealth-Men, who were every Day calling in the Aid of the Law, that they might overthrow the Law, which they knew to be their irreconcilable Enemy; a People restless in their Counsels, and no less punctual and industrious in their Correspondencies, abroad as well as at home.

21st Car. II.
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home: Therefore they could not be too vigilant and inquisitive as to those Men.' Then speaking of the Happiness they had procured, he told them, 'That they wanted only one Blessing, the Arrival of their Queen, whom God had now safely brought to the Nation; a Queen of such rare Perfection in Body and Mind, of such great Endowments of Wisdom, Virtue, and Piety, that they might from her reasonably promise themselves all the Happiness they were capable of; and there could not be a more transcendent Instance of the King's Love and Passion for his People, than that he had stay'd these four Days to take his leave of them; and that he might give them this Day's Work, all these good Laws, had deny'd himself so long the enjoying the greatest Comfort he is assured of in this World.' Then exhorting them again to testify their Joy, and transmit it into their Countries, he, by the King's Command, prorogu'd the Parliament till the 18th Day of February.

The End of the
Second Session
of the Second
Parliament.

The third Sessi-
on.

On February 18, 1662-3, the Parliament met after a Recess of nine Months; upon which occasion his Majesty made the ensuing Speech to both Houses, from the Throne.

The King's
Speech to both
Houses.

My Lords and Gentlemen,
I Am very glad to meet you here again, having thought the time long since we parted, and have often wish'd you had been together to help me in some Occasions which have fallen out: I need not repeat them to you, you have all had the noise of them in your several Counties; and, God be thanked, they were but noise without any worse Effects. To cure the Distempers, and compose the differing Minds among us, I set forth my Declaration of the 26th of December, in which you may see I am willing to set bounds to the Hopes of some, and to the Fears of others; of which when you shall have examin'd well the grounds, I doubt not but I shall have your concurrence therein. The truth is, I am in my nature an Enemy to all Severity for Religion and Conscience, how mistaken soever it be, when it extends to capital and sanguinary Punishments, which I am told were begun in Popish Times: Therefore when I say this, I hope, I shall not need to warn any here not to infer from thence, I mean to favour Popery. I must confess to you, There are many of that Profession, who, having serv'd my Father and my self very well, may fairly hope for some part of that Indulgence I would willingly afford to others who dissent from us: But let me explain my self, lest some mistake me herein, as I hear they did in
my

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1662-3.

my Declaration: I am far from meaning by this a Toleration, or qualifying them thereby to hold any Offices or Places in the Government; nay further, I desire some Laws may be made to hinder the Growth and Progress of their Doctrines. I hope you have all so good an opinion of my Zeal for the Protestant Religion, as I need not tell you I will not yield to any therein, nor to the Bishops themselves, nor in my liking the Uniformity of it, as it is now established; which, being the Standard of our Religion, must be kept pure and uncorrupted, free from all other Mixtures: And yet if the Dissenters will demean themselves peaceably and modestly under the Government, I could heartily wish I had such a power of Indulgence, to use upon occasions, as might not needlessly force them out of the Kingdom, or staying here, give them cause to conspire against the Peace of it. My Lords and Gentlemen, it would look like Flattery in me to tell you to what degree I am confident of your Wisdom and Affection in all things that relate to the Greatness and Prosperity of the Kingdom. If you consider well what is best for us all, I dare say we shall not disagree. I have no more to say to you at present, but once again to bid you heartily welcome.

After this the Commons being withdrawn, appointed the 25th for taking into consideration, both his Majesty's Speech and the Declaration mentioned therein: At which time they unanimously resolved, That the Thanks of the House should be return'd to the King's Majesty for all that was contain'd in the Declaration, except what related to the Indulgence; with regard to which, they appointed a Committee (who chose Sir * Heneage Finch the King's Solicitor, for their Chairman) to draw up an Address, that, after several Amendments and Additions, was presented to his Majesty, by the Speaker on the 27th; and, after the particular Thanks for the several Parts of the Declaration, proceeded thus: 'It is with extreme Unwillingness and Reluctancy of Heart, that we are brought to differ from any thing which your Majesty has thought fit to propose: And tho' we do no way doubt, but that the unreasonable Distempers of Mens Spirits, and the many Mutinies and Conspiracies which were carried on, during the late Intervals of Parliament, did reasonably incline your Majesty to endeavour by your Declaration to give some allay to those ill Humours; till the Parliament assembled; and the Hopes of Indulgence, if the Parliament should consent to it; especially

The Commons
Address in relation to the indulgence.

* Afterwards Attorney-General, Lord-Chancellor, and created Earl of Nottingham.

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cially seeing the Protenders to this Indulgence did seem to make some Titles to it, by virtue of your Majesty's Declaration from Breda: Nevertheless, we your Majesty's most dutiful and loyal Subjects, who are now return'd to serve in Parliament, from those several Parts and Places of your Kingdom, for which we were chosen, do humbly offer to your Majesty's great Wisdom, That it is in no sort adviseable that there be any Indulgence to such Persons, who presume to dissent from the Act of Uniformity, and the Religion established. For these Reasons, we have considered the Nature of your Majesty's Declaration from Breda, and are humbly of opinion, That your Majesty ought not to be press'd with it any farther; 1. Because it is not a Promise in it self, but only a gracious Declaration of your Majesty's Intentions, to do what in you lay, and what a Parliament should advise your Majesty to do; and no such Advice was ever given, or thought fit to be offered; nor could it be otherwise understood, because there were Laws of Uniformity then in being, which could not be dispens'd with, but by Act of Parliament. 2. They who do pretend a Right to that supposed Promise, put the Right into the hands of their Representatives, whom they chose to serve for them in this Parliament, who have pass'd, and your Majesty consented to, the Act of Uniformity: If any shall presume to say, That a Right to the Benefit of this Declaration doth still remain after this Act passed; 3. It tends to dissolve the very Bonds of Government, and to suppose a Disability in your Majesty and the Houses of Parliament, to make a Law contrary to any Part of your Majesty's Declaration, tho' both Houses should advise your Majesty to it.

We have also consider'd the Nature of the Indulgence propos'd, with reference to those Consequences which must necessarily attend it. 1. It will establish Schism by a Law, and make the whole Government of the Church precarious, and the Censures of it of no Moment or Consideration at all. 2. It will no way become the Gravity or Wisdom of a Parliament, to pass a Law at one Session for Uniformity, and at the next Session (the Reasons of Uniformity continuing still the same) to pass another Law to frustrate or weaken the Execution of it. 3. It will expose your Majesty to the restless Importunity of every Sect or Opinion, and of every single Person also, who shall presume to dissent from the Church of England. 4. It will be a cause of increasing Sects and Sectaries, whose Numbers will weaken the true Protestant Profession so far, that it will at least be difficult for it to defend it self against them: And, which

is yet further considerable, those Numbers, which by being troublesome to the Government, find they can arrive to an Indulgence, will, as their Numbers increase, be yet more troublesome, that so at length they may arrive to general Toleration, which your Majesty hath declared against; and in time, some prevalent Sect will at last contend for an Establishment; which, for ought can be foreseen, may end in Popery. 5. It is a thing altogether without Precedent, and it will take away all means of convicting Recusants, and be inconsistent with the Method and Proceedings of the Laws of England. Lastly, It is humbly conceiv'd, that the Indulgence propos'd will be so far from tending to the Peace of the Kingdom, that it is rather likely to occasion great Disturbance. And on the contrary, That the asserting of the Laws, and the Religion established, according to the Act of Uniformity, is the most probable means to produce a settled Peace and Obedience throughout your Kingdom: Because the Variety of Professions in Religion, when openly indulg'd, doth directly distinguish Men into Parties, and withal gives them opportunity to count their Numbers; which, considering the Animosities that out of a religious Pride will be kept on foot by the several Factions, doth tend directly and inevitably to open Disturbance. Nor can your Majesty have any Security, that the Doctrine or Worship of the several Factions, which are all govern'd by a several Rule, shall be consistent with the Peace of your Kingdom. And if any Persons shall presume to disturb the Peace of the Kingdom, we do in all humility declare, That we will for ever, and on all occasions, be ready with our utmost Endeavours and Assistance to adhere to, and serve your Majesty, according to our bounden Duty and Allegiance.

Anno 15 Oct. 1663.

To this Address, his Majesty gave this gracious Answer: **The King's Answer.**
 ' That he gave them hearty Thanks for their many Thanks; **(wer.**
 ' that never any King was so happy in a House of Com-
 ' mons, as he in this; that the Paper and Reasons were
 ' long, and therefore he would take time to consider of them,
 ' and send them a Message; that they could never differ
 ' but in Judgment, and that must be when he did not right-
 ' ly express himself, or they did not rightly understand
 ' him; but their Interest was so far linked together, that
 ' they could never disagree.' According to this Promise, a
 ' little above a Fortnight after, on the 16th of March, he sent
 ' this Message to the House of Commons: ' That he was un-
 ' willing to enlarge upon the Address lately made to him
 ' by his House of Commons, or to reply to the Reasons,
 ' tho' he found what he said not much understood; but he
 ' renew'd his hearty Thanks to them, for their Expressions
 ' of so great Duty and Affection, and for their free De-
 ' claration, That if any Person shall presume to disturb
 ' the

And Message

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the Peace of the Kingdom, they will for ever, and upon all occasions, be ready with their utmost Endeavours and Assistance, to adhere to, and serve his Majesty; and did very heartily desire them so to enable him, and to put the Kingdom into such a posture of Defence, as that if any Disturbance or seditious Designs arose, they might be easily suppress'd. To all which the House of Commons returned their particular Thanks and Promises.

The House having thus manifested their Zeal against Dissenters, proceeded next, in conjunction with the Lords, to draw up an humble Representation to the King, concerning Romish Priests and Jesuits; which was as follows:

Lords and Commons petition against Papists.

The humble Representation and Petition of the Lords and Commons, sheweth, That notwithstanding your Majesty's unquestionable Affection and Zeal for the true Protestant Religion, manifested in your constant Profession and Practice, against all Temptations whatsoever; yet, by the great Resort of Jesuits and Romish Priests into this Kingdom; your good Subjects are generally much affected with Jealousy and Apprehension, That the Popish Religion may much increase in this Kingdom; which your Majesty hath most piously desired may be prevented; and so the Peace both in Church and State may be insensibly disturb'd, to the great danger of both. Your two Houses of Parliament are therefore humble Suitors to your Majesty, to issue out your Proclamation to command all Jesuits, and all English, Irish and Scottish Popish Priests, and all such other Priests as have taken Orders from the See of Rome; or by Authority thereof, (except such Foreign Jesuits or Priests, as by Contract of Marriage are to attend the Persons of either of the Queens, or by the Law of Nations to attend Foreign Ambassadors) to depart this Kingdom by a Day, under pain of having the Penalties of the Law inflicted upon them.

• n. a.

The King's
Reply to it.

This Representation having been read to his Majesty; he immediately made the following Speech to both Houses: My Lords, and Gentlemen, You do not expect that I should give you an Answer presently to your Petition, yet I tell you, that I will speedily send you an Answer, which I am confident will be to your satisfaction. It may be the general Jealousy of the Nation hath made this Address necessary; and indeed I believe nothing hath more contributed to that Jealousy than my own Confidence, That it was impossible there should be any such Jealousy, and the Effects of that Confidence: But I shall give you Satisfaction, and then I am sure you will easily satisfy and compose the Minds of the Nation. I confess, my Lords and Gentlemen, I have heard of one Jealousy, which

which I will never forgive the Authors of, That I had a Jealousy of your Affections, that I was offended with the Parliament to that degree that I intended to dissolve it. They say Men are naturally most angry with those Reports which reflect upon their Understanding, which make them thought weak Men: Truly, I should appear a very weak Man, if I should have any such Passion, any such Purpose. No, my Lords, and Gentlemen, I will not part with you upon those terms! Never King was so much beholden to a Parliament as I am to you, and if my Kindness to you and my Confidence in you be not proportionable, I am behind-hand with you; which, God-willing, I will not be.

Mr. Speaker, and you Gentlemen of the House of Commons, I am willing to take this occasion to give you my particular Thanks for your great Kindness in taking hold upon an easy Intimation, rather than an Invitation from me, to enter upon the Consideration of my Revenue: It was kindly done, and I shall never forget it. I have given order, that you may be fully inform'd of the true State of it, and then I know you will do that which is good for me, and you: And I pray pursue your good Resolution, in putting the Kingdom into such a posture, that we may prevent, at least not fear, any desperate Insurrection.

The King, according to his Promise, the very next day sent an Answer to the Petition in Writing to the House of Lords, which, in a Conference between both Houses, was likewise deliver'd to the Commons, and was as follows: A second Answer.

His Majesty, having seriously consider'd and weigh'd the humble Representation and Petition of his Lords and Commons assembled in Parliament, and the great Affection and Duty with which the same was presented to him; and after having made some Reflections on himself and his own Actions, is not a little troubled, that his Lenity and Condescensions towards many of the Popish Persuasion (which were but natural Effects of his Generosity and Good-nature, after having lived so many Years in the Dominions of Roman-Catholic Princes; and out of a just Memory of what many of them had done and suffer'd in the Service of his Royal Father of blessed Memory, and of some eminent Services perform'd by others of them, towards his Majesty himself in the time of his greatest Affliction) have been made so ill use of, and so ill deserv'd, that the Resort of Jesuits and Priests into this Kingdom hath been thereby increas'd; with which his Majesty is, and hath long been highly offended. And therefore his Majesty readily concurs with the Advice of his two Houses of Parliament, and hath given order for

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‘ the preparing and issuing out such a Proclamation as is desired, with the same Clause referring to the Treaty of Marriage, as was in the Proclamation; which, upon the like Occasion, was issu’d out upon the Advice of both Houses of Parliament in the Year 1640. And his Majesty will take farther care, that the same shall be effectual, at least to a greater degree than any Proclamation of this kind hath ever been. And his Majesty farther declares, and assures both his Houses of Parliament, and all his loving Subjects of all his Dominions, that as his Affection and Zeal for the Protestant Religion and the Church of England hath not been conceal’d, or untaken notice of in the World: so he is not, nor ever will be so solicitous for the settling his own Revenue, or providing any other Expedients for the Peace and Tranquillity of the Kingdom, as for the Advancement and Improvement of the Religion establish’d, and for the using and applying all proper and effectual Remedies to hinder the growth of Popery; both which he doth in truth look upon as the best Expedient to establish the Peace and Prosperity of all his Kingdoms.’

The King’s Revenue taken into Consideration.

The House proceeded next, to take the State of the Revenue into Consideration; and found upon Enquiry, according to the Account made by *Sir Philip Warwick, That the Whole did not amount to quite 1,100,000*l*. But while they were thus employ’d, his Majesty, by a Message, demanded their Attendance at Whitehall, where he received them with the following Speech:

The King’s Speech to the Commons alone.

‘ Mr. Speaker, and you Gentlemen of the House of Commons, I Have sent for you this Day to communicate with you, as good Friends ought to do, when they discover the least Jealousy growing, which may lessen their Confidence in each other. It is a Freedom very necessary to be used between me and you: And you may all remember, That when there was lately a little Jealousy amongst you, upon somewhat I had said or done, I made all the haste I could to give you Satisfaction; for which you all return’d me your hearty Thanks; and were, I think, satisfy’d. Gentlemen, it is in no Man’s power, no not in your own power, to make me suspect, or in the least degree imagine it possible, That your Affections and Kindness is lessen’d or diminish’d towards me. I know very well, That the People did never in any Age use that Vigilance and Circumspection in the Election of Persons of known and try’d Affections to the Crown, of your good Principles, and unquestionable Inclinations to the Peace of the Church and the State, for their Representatives in Parliament,

* Clerk of the Signet.

liament, as they did when they chose you. You are the very same Men, who at your first coming together, gave such signal Testimonies of your Affection and Friendship to my Person, of your Zeal for the Honour and Dignity of the Crown, and liberal Support of the Government, and of your Horror and Detestation of those Men, whose Principles you discern'd keep them awake to take all Occasions to disturb the Peace of the Kingdom, and to embroil us in a new Civil War; which is as much their Endeavour now as ever, and it may be not enough abhorr'd by others, whose Principles and Ends are very different from them. You are the same Men, who, at your first Meeting, by a wonderful and chearful Harmony and Concurrence in whatsoever I could wish, gave me Reputation abroad and Security at home, made our Neighbours solicitous for our Friendship, and set a just Value upon it. And, trust me, such a Reputation is of such a vast Importance, as made my evil Subjects even despair of bringing their wicked Purposes to pass. And is it possible that the same Persons can continue the same together, without the same Affection for Me? I am sure it is impossible!

And yet, I must tell you, the Reputation I had from your Concurrence and Tenderneſs towards me is not at all improv'd since the Beginning of this Session: Indeed it is much lessen'd. And I am sure I never stood in more need of that Reputation than at present, to carry me through the many Difficulties, in which the Public is at least concern'd, as much as myself. Let Me and You think never so well of ourselves, if all the World knows or believes that we are poor, that we are in Extremity of Want, if our Friends think we can do them no Good, or our Enemies believe we can do them no harm, our Condition is far from being prosperous. You cannot take it amiss (you shall use as much Freedom with me) That I tell you there hath not appeared that Warmth in you of late in the Consideration of my Revenue, as I expected, as well from some of your Messages, as my own Confidence in your Care and Kindness. It hath been said to myself, That it is usual for the Parliament to give the Crown extraordinary Supplies upon emergent Occasions, but not to improve the constant Revenue of the Crown. I wish, and so do you, that nothing had lately been done in and by Parliaments but what is usual: But if ill Parliaments contrive the Ruin and Disinheritance of the Crown, God forbid but good Parliaments should repair it, how unusual soever it is. If you yourselves had not in an extraordinary Manner improv'd my Revenue,

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venue, the Government could not have been supported; and if it be not yet improv'd to the Proportion you have design'd, I cannot doubt but you will proceed in it with your old Alacrity. I am very well contented that you proceed in your Inspection; I know it will be to my Advantage, and that you will neither find my Receipts so great, nor my Expences so exorbitant, as you imagine: And for an Evidence of the last, I will give you an Account of the Issues of the twelve hundred thousand Pounds you so liberally gave me; one Penny whereof was not disposed but upon full Deliberation with myself, and by my own Order, and I think you will all say for the public Service. But, Gentlemen, this Inquisition cannot be finish'd in the short Time we can now conveniently stay together: And yet if you do not provide before we part, for the better Paying and Collecting what you have already given me, you can hardly presume what it will amount to: and if you do not support what you have already given me by some Addition, you will quickly see lawful Ways found to lessen the Revenue more than you imagine: And therefore I cannot but expect your Wisdoms will seasonably and speedily provide a Remedy for that growing Milchief. Believe me, Gentlemen, the most disaffected Subjects in England are not more unwilling to pay any Tax or Imposition you lay upon them, than I am to receive it: God knows I do not long more for any Blessing in this World, than that I may live to call a Parliament, and not ask or receive any Money from them; I will do all I can to see that happy Day. I know the vast Burdens the Kingdom hath borne these last twenty Years and more; that it is exceedingly impoverish'd: But, alas! What will that which is left do them good, if the Government cannot be supported; if I am not able to defray the Charge that is necessary for their Peace and Security? I must deal plainly with you (and I do but discharge my Conscience in that Plainness) if you do not, besides the improving my Revenue in the Manner I have recommended to you, give me some present Supply of Money to enable me to struggle with those Difficulties I am press'd with, I shall have a very melancholic Summer, and shall much apprehend the public Quiet.

You have heard, I presume, of the late Design in Ireland for the Surprize of the Castle of Dublin, which was spread all over that Kingdom, and many Parliament-Men were engag'd in it. There is an absolute Necessity that I forthwith send over a Sum of Money thither, for the Payment of the Army, and putting the Gartisons there

in

in good order. You will not doubt but that those seditious Persons there, had a Correspondence with their Friends here: And I pray let us not be too careless of them. I assure you, I have so great Occasion for Money here, which my Revenue cannot supply me with, that I every day omit the doing somewhat that is very necessary for the public Benefit. These sure are just Motives to persuade you to give me a Supply, as ever mov'd a House of Commons. And therefore I conjure you to go cheerfully about it, and let me not be disappointed in my Confidence of your Affections: And I pray remember the Season of the Year; and how necessary it is that we make a Recess at or about Midsummer. I have enlarg'd much more to you upon this Occasion than I have used to do; and you may perceive it hath not been very easy to me: But I was willing that you should understand from myself what I desire, and expect from you: and the rather, because I hear some Men have confidently undertaken to know my Mind, who have had no Authority from me, and to drive on Designs very contrary to my Desires. I do pray heartily that the Effect of this Day's Conversation may be the renewing of our Confidence in each other, and raising our joint Reputation, which will be our strongest Security, with God's Blessing, the Kingdom can have for its Peace, Plenty and full Prosperity: And upon my Word, you shall have great Comfort in what you shall do for me, upon this very earnest and hearty Recommendation.

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This Speech did not fail of its desir'd Effect: The House gave way to the King's Rhetoric, and soon after, voted him four Subsidies. The Business of the Session being now over, his Majesty repair'd to the House of Peers, and the Speaker having presented the Bills which were ready for the royal Assent, accompanied them with the following Speech: 'The Knights, Citizens, and Burgeesses of the Commons House of Parliament, have, since their last Meeting, in many weighty and arduous Affairs presented your Majesty with their humble Advice; which with all Thankfulness they acknowledge, never wanted a most gracious Reception. Never any Prince did so freely commune with his People, and never any People did with more Joy and Duty commemorate their Happiness. The last Session of Parliament our Care was chiefly to secure the Being of this Nation under our ancient, happy, monarchical Government: This Session we have endeavour'd to advance the Peace and Well-being both of Church and State. Material Structures are best secured by deep Foundations in the Earth; but the Founda-

Four Subsidies
voted.

The Speaker's
Speech to the
King at the
Prorogation.

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Foundations of true Happiness are from above: We have therefore in the first Place perused the Laws, which enjoin the Observation of the Lord's-Day, and where we found any Defect either in the Rules or Penalties, we have with great Care supply'd them; well knowing, That he who doth not remember on the first Day of the Week to observe a Christian Sabbath, will hazard, before the Week comes round, to forget he is a Christian.—At the Opening of this Session, your Majesty was most graciously pleas'd to call upon us to prepare some Laws for the Prevention of the Growth of Popery; and we have heartily labour'd therein, both to prevent the Growth of Popery, and all sorts of Sectaries and Nonconformists: But as the rankest Corn, and the fullest Ears are aptest to be laid; so fares it in this matter, these Fruits are not yet ready for the Harvest. But we are confident, by the Wisdom of your Majesty's Government, and the Readiness of your faithful Subjects to support it, by the just and true Execution of the Laws, these Persons will either be persuad'd to Conformity, or forc'd into a peaceable and orderly Conversation. Then, in the Name of the Commons of England, praying for one Proclamation against Papists, Sectaries, and Nonconformists; and another against Profaneness, Debauchery, and Licentiousness, he proceeded thus: ' And for the better securing the Peace of the Nation against the united Counsels of all the Dissenters to our Religion, and establish'd Discipline, we have prepared an additional Bill for the ordering the Forces of the Kingdom; whereby your Majesty's Lieutenants, and the Deputy-Lieutenants, will be enabled to train, discipline, and keep together such a Party as will be able to prevent Disorders, and sufficient to check any Insurrections, till the great Body of the Militia can come in to their Assistance. During the late unhappy Wars in this Nation, our Neighbours Eyes were open to spy out all Advantages of spoiling our Trade, and to advance their own; but by the several good Bills here made ready for your Majesty's royal Assent, we hope we shall restore and encrease the flourishing Trade of this Nation. Great Sir, I have but one Word more, and that is by Command from your Majesty's loyal and dutiful Subjects, the Commons of England: They have duly consider'd the present unsettled Condition of this Nation, and the great Expence which must attend such Distractions: and do humbly beseech your Majesty to accept an Aid from them, consisting of four entire Subsidies; two of which are to be paid by the first of November next, and the other two by the first of May next following.

Upon

Upon the finishing of this, and passing some Bills, of Anno 15 Car. II.
 which several were not expressly mention'd by the Speaker, 1663.
 the King made the following Speech to both Houses:

' My Lords and Gentlemen,

I Thank you for the Present you have made me this Day; I hope your Countries will thank you when you come home for having done it. I am not conscious of having brought the Streights and Necessities I am in upon myself, by any Improvidence or Ill-husbandry of my own: I know the contrary, and I assure you, I would not have desir'd, or receiv'd the Supply you have given me, if it were not absolutely necessary for the Peace and Quiet of the Kingdom, as well as mine: And I must tell you, it will do me very little Good, if I do not improve it by very good Husbandry of my own; and by retrenching those very Expences, (which in many respects may be thought necessary enough.) But you shall see I will much rather impose upon myself, than you my Subjects; and if all Men will follow my Example in retrenching their Expences, (which it may be they may do with much more Conveniency than I can do mine) the Kingdom will in a very short time gain what you have given me this Day. I am very glad you are now going into your several Countries, where your Presence will do much Good: And I hope your Vigilance and Authority will prevent those Disturbances, which the restless Spirits of ill and unquiet Men will be always contriving, and of which I assure you they promise themselves some Effects this Summer. There have been more Pains and unusual Ways taken to kindle the old fatal Fears and Jealousies, than I thought I should ever have liv'd to have seen, at least to have seen so countenanc'd. I do desire you, and conjure you, my Lords and Gentlemen, to watch this evil Spirit and Temper with your utmost Care and Prudence, and secure the Persons of those whom you find possess'd with it, That the Peace of the Kingdom may not be sacrific'd to their Pride, Humour and Madness.

' I did expect to have had some Bills presented unto me against the several Distempers in Religion, against seditious Conventicles, and against the Growth of Popery: But it may be you have been in some fear of those Contradictions in Religion in some Conspiracy against the public Peace, to which I doubt Men of the most contrary Motives in Conscience are inclinable enough. I do promise you to lay this Business, and the Mischiefs which must flow from these Licences, to heart; and if I live to meet with you again, as I hope I shall, I will myself
 ' take

The King's
 Speech to both
 Houses.

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‘ take care to present two Bills to you to that end. And as
 ‘ I have already given it in charge to the Judges, in their
 ‘ several Circuits, to use their utmost endeavours to prevent
 ‘ and punish the scandalous and seditious Meetings of Sec-
 ‘ taries, and to convict the Papiſts; ſo I will be as watchful,
 ‘ and take all the pains I can, that neither the one nor the
 ‘ other ſhall diſturb the Peace of the Kingdom. I ſhall not
 ‘ need to deſire you to uſe all diligence in levying and col-
 ‘ lecting the Subſidies you have given me, and heartily wiſh
 ‘ the diſtribution may be made with all Equality and Juſtice,
 ‘ and without any Animosity or Faction, or remembering any
 ‘ thing that hath been done in the late ill Times; which you
 ‘ know we are all oblig’d to forget, as well as to forgive.
 ‘ And indeed till we have done ſo, we can never be in per-
 ‘ ſect Peace; and therefore I can never put you too much
 ‘ in mind of it. I think it neceſſary to make this a Seſſion,
 ‘ that ſo the Current of Juſtice may run the next two Terms,
 ‘ without any obſtruction by privilege of Parliament: And
 ‘ therefore I ſhall prorogue you till March, when I doubt
 ‘ not but by God’s Bleſſing we ſhall meet again, to our joint
 ‘ Satisfaction; and that you ſhall have cauſe to thank me
 ‘ for what I ſhall have done in the Interval.’

The fourth Seſ-
 ſion of the ſe-
 cond Parlia-
 ment.

March 16, after an interval of near eight Months, the
 Parliament aſſembled again, and the King open’d the Seſ-
 ſion with a Speech from the Throne as follows.

The King’s
 Speech to both
 Houſes.

‘ My Lords and Gentlemen,
 ‘ **Y**OU ſee, God be thanked, we have met together again
 ‘ at the Time appointed; and I do aſſure you, I have
 ‘ been ſo far from ever intending it ſhou’d be otherwiſe,
 ‘ that I do not know one Perſon who ever wiſh’d it ſhou’d
 ‘ be otherwiſe. Think therefore, I pray, what good mean-
 ‘ ing thoſe Men cou’d have, who from the time of the Pro-
 ‘ rogation to the Day of your meeting, have continually
 ‘ whiſper’d and induſtriouſly infus’d into the Minds of the
 ‘ People, that the Parliament ſhou’d meet no more; that
 ‘ it ſhou’d either be preſently diſſolv’d, or ſo continued by
 ‘ Prorogation, that they ſhould be kept without a Parlia-
 ‘ ment. I pray watch theſe Whiſperers all you can, as
 ‘ Men who uſe their utmoſt endeavours to ſow Jealouſies
 ‘ between You and Me; and I do promiſe you they ſhall
 ‘ not prevail with me; and I do promiſe myſelf, they ſhall
 ‘ not prevail with you: And the truth is, we are both con-
 ‘ cern’d they ſhou’d not; and we ſhall then, with God’s
 ‘ Bleſſing, prevent all the miſchief they intend.
 ‘ You may judge by the late Treason in the North, for
 ‘ which ſo many Men have been executed, how active the
 ‘ Spirits

Spirits of many of our old Enemies still are, notwithstanding all our Mercy. I do assure you, we are not yet at the bottom of that Business. Thus much appears manifestly, that this Conspiracy was but a branch of that which I discover'd, as well as I cou'd, to you about two years since: and had been then executed nearer hand, if I had not, by God's Goodness come to the Knowledge of some of the principal Contrivers, and so secur'd them from doing the mischief they intended. And if I had not, by the like Providence, had timely notice of the very Hour, and several places of their Rendezvous in the North, and provided for them accordingly, by sending some of my own Troops, as well as by drawing the Train'd-Bands together, their Conjunction wou'd have been in greater numbers than had been convenient. You will wonder, but I tell true, they are, even now in those parts, and at this time, when they see their Friends under Tryal and Execution, still pursuing the same Consultations: and it is evident they have Correspondence with desperate Persons in most Counties, and a standing Council in this Town, from which they receive their Directions, and by whom they were advis'd to defer their last intended Insurrection. But those Orders serv'd only to distract them, and came too late to prevent their Destruction. I know more of their Intrigues than they think I do; and I hope I shall shortly discover the bottom: In the mean time, I pray let us all be as watchful to prevent, as they are to contrive their Mischief. I cannot omit upon this occasion to tell you, that these desperate Men, as appears by several Examinations, have not been all of one mind in the ways of carrying on their wicked Resolutions. Some wou'd still insist upon the authority of the Long Parliament, of which they say they have Members enough willing to meet: Others have fancied to themselves, by some computation of their own, upon some clause in the Triennial Bill, that this present Parliament was at end some Months since; and that for want of new Writs, they may assemble themselves, and chuse Members for Parliament: And this is the best expedient to bring themselves together for their own purposes. For the Long Parliament, You and I can do no more to inform and compose the minds of all Men; let them proceed upon their Peril. But methinks there is nothing done to disabuse them in respect of the Triennial Bill. I confess, my Lords and Gentlemen, I have often myself read over that Bill; and tho' there is no Colour for the Fancy of the Determination of this Parliament, yet I will not deny to you, that I have always expected you would, and even admired you have not consider'd the

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wonderful Clauses in that Bill, which pass'd in a time very uncareful for the Dignity of the Crowne, or Security of the People. I pray, Mr. Speaker, and you Gentlemen of the House of Commons, give that Triennial Bill once a reading in your House; and then, in God's Name, do what you think fit for me, and yourselves, and the whole Kingdom. I need not tell you how much I love Parliaments: Never King was so much beholden to Parliaments as I have been: nor do I think the Crown can ever be happy without frequent Parliaments. But assure yourselves, if I did think otherwise, I would never suffer a Parliament to come together by the means prescribed by that Bill.

My Lords and Gentlemen, I must renew my thanks to you, for the free Supply you gave me the last Session of four Subsidies; yet I cannot but tell you, that the Supply is fallen much short of what I expected, or you intended. It will hardly be believed, yet you know it to be true, that very many Persons who have Estates of three and four thousand Pounds a Year, do not pay for these four Subsidies sixteen Pounds: So that whereas you intended and declared, that they should be collected according to former Precedents, they do not now arise to half the proportion they did in the time of Queen Elizabeth; and yet sure the Crown wants more now than it did then, and the Subject is at least as able to give. The truth is, by the Licence of the late ill Times, and ill Humour of this, too many of the People, and even of those who make fair promises, believe it to be no Sin to defraud the Crown of any thing that is due to it. You no sooner gave me Tonnage and Poundage, than men were devising all the ways they could to steal Custom; nor can the Farmers be so vigilant for the Collection, as others are to steal the Duties. You gave me the Excise; which all people abroad believe to be the most insensible Imposition that can be laid upon a People: What Conspiracies and Combinations are enter'd into against it by the Brewers, who I am sure bear not that Burden themselves, to bring that Revenue to nothing, you may hear in Westminster-Hall. You have given me Chimney-Money, which you have reason to believe is a growing Revenue, for Men build at least fast enough; and you will therefore wonder that it is already declined, and this half Year brought in less than the former did. I pray therefore review that Bill; and since I am sure you wou'd have me receive whatsoever you give me, let me have the collecting and husbanding of it by my own Officers, and then I doubt not but to improve that Receipt, and will be cozen'd of as little as I can.

I will conclude with conjuring you, my Lords and ^{Ann 16 Car. II.} Gentlemen, to keep a very good Correspondence together, that it may not be in the power of any seditious or ¹⁶⁶³⁻⁴ factious Spirits to make you jealous of each other, or either of you jealous of me; till you see me pretend one thing, and do another, which I am sure you have never yet done. Trust me, it shall be in no body's power to make me jealous of you. I pray contrive any good short Bills, that may improve the Industry of the Nation; and since the Season of the Year will invite us shortly to take the Country Air, I desire you wou'd be ready for a Session, within two Months or thereabouts, and we will meet next earlier in the Year. And so God bless your Counsels!

In compliance with these Instructions from the Throne, the House immediately set about repealing the obnoxious Triennial Bill, which they stigmatiz'd as derogatory to the Prerogative of the Crown, and, as a sort of compensation, prepar'd another short one, which provided that Parliaments should not be intermitted above three Years. This was no sooner ready, tho' the only one, but his Majesty went to the House on purpose to give the royal Assent to it: which he accompanied with the ensuing Speech.

My Lords and Gentlemen,

YOU will easily believe that I have come very willing to give my Assent to this Bill. I do thank you very heartily for your so unanimous concurrence in it, and for your desiring me speedily to finish it. And if I understand any thing that concerns the Peace and Security of the Kingdom, and the Welfare of my Subjects (all which I study more than my Prerogative, and indeed I consider my Prerogative in order only to preserving the other) every good Englishman will thank you for it: For the Act you have repeal'd could only serve to discredit Parliaments, and to make the Crown jealous of Parliaments, and Parliaments of the Crown, and persuade neighbour Princes that England was not govern'd under a Monarch. It cou'd never have been the occasion of frequent Parliaments. I do promise you, I will not be an Hour the less without one for this Act of Repeal; nor I am sure will you be the less kind to me in Parliament. I do again thank you for your excellent Temper and Respect to me, and desire you so to proceed, that the Session may be within the time I propos'd to you last. And I do assure you upon my word, and I pray believe me, that I will have no other thoughts or designs in my Heart, but to make you all happy in the support of the Religion and Laws established: And if my own wants and necessities are at

The King's
Speech upon the
repealing the
Triennial Act.

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any time grievous to me, it is only as I apprehend I may not be able sufficiently to provide for those, and for the Peace and Security of the Kingdom. And therefore I am confident, that you and I, who agree in the End, shall never differ in the Way.

Resolution of
the Lords and
Commons
against the
Dutch.

About this time, the Dutch growing out of favour at Court, it was represented in the House; that by the Advances they had lately made in Trade; our own was become in danger; which gave place to the following Resolution both of Lords and Commons, viz. 'That the Wrongs, Dishonours, and Indignities done to his Majesty by the Subjects of the United Provinces, by invading his Rights in India, Africa, and elsewhere; and the Damages, Affronts, and Injuries done by them to our Merchants, are the greatest Obstructions of our foreign Trade: and that the same be humbly and speedily presented to his Majesty; and that he be most humbly mov'd to take some speedy and effectual Course for Redress thereof, and all other of the like nature, and for prevention of the like in future: And in prosecution thereof, they will, with their Lives and Fortunes, assist his Majesty against all Oppositions whatsoever.' Upon this Occasion both Houses waited upon his Majesty at the Banqueting-House on the 27th of April, and the next day received this following Answer in Writing: 'His Majesty, having consider'd the Address made to him by his two Houses of Parliament, is very well pleas'd with the great Zeal they have express'd for the Advancement of the Trade of this Kingdom, and removing all Obstructions which may hinder the same; being wholly convinc'd, That it is that which contributes most to the Honour and Glory of the Nation, and the Prosperity of his People: And therefore his Majesty will examine and peruse the particular Complaints which have been presented to his Parliament; and thereupon, according to their Advice, appoint his Minister at the Hague to demand speedy Justice and Reparation from the States-General, and also use his utmost Endeavours to secure his Subjects from the like Violences for the future: In the prosecution of which, or upon the Denials of Justice, he depends upon the Promises of both Houses to stand by him, and returns them his hearty Thanks for their frank Declaration therein.' For which Royal Assurance, both Houses return'd their humble and hearty Thanks; and here was the Foundation, and the first Step towards the first Dutch War.

The King's
Answer.

Mr. Prynne
censured.

Soon after this Mr. Prynne, having taken the liberty to alter the Draught of a Bill relating to Public-Houses, having

urged

urged in his Excuse, That he did not do it out of any ill Intent, but to rectify some Matters mistaken in it, and to make the Bill agree with the Sense of the House; the House order'd him to withdraw, and after Debate, being again called in, the Speaker acquainted him, That the House was very sensible of this great Error and Mistake in so ancient and knowing a Member as he was, to break so material and essential an Order of the House, as to alter, amend, or interline a Bill after Commitment, without Order, Knowledge, or Direction of the Committee: But the House had consider'd of his Answer and Submission, and were content at this time, in respect thereof, to remit the Offence.

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The Business of the Session being now brought to a period, the King came to the House of Peers, May 17, and, being seated on the Throne, the Speaker made the following Speech to his Majesty: ' At the Opening this Session, your Majesty was pleas'd to recommend several things to the Care of your two Houses of Parliament; which we deliberately consider'd, and unanimously presented our humble Advice thereupon. The first thing we took into Consideration, was the Act made in the 16th of the late King of glorious Memory for Triennial Parliaments: When we had given it a Reading, we found it derogatory to the essential Prerogative of the Crown, of Calling, Holding, and Dissolving Parliaments: We found it unpracticable, and only useful to learn the People how to rebel; therefore we melted it down, extracted the pure Metal from the counterfeit and drossy Allays, and then presented it to your Majesty to be new stamp'd, and made current Coin for the Use of the Nation. We do return our most humble Thanks to your Majesty, that you were pleas'd to accept our Advice, and to pass our Bill: but more especially for those gracious Expressions your Majesty was pleas'd to use at that Solemnity, whereby we are assured not only of your personal Affection to Parliaments, but of your Judgment also, That the Happiness of the Crown consists in the Frequency of Parliaments. In the next place we review'd the Act for Chimney-Money, which we intended a great Branch of your Majesty's Revenue, although by some Mistakes it is fallen short: And, in hopes your Majesty may improve that Receipt, we have prepar'd a Bill for Collecting that Duty, by such Officers as your Majesty and your Successors shall from time to time think fit to appoint.'

The Speaker's
Speech to the
King at the
Prorogation

Whilst we were intent upon these weighty Affairs, we were often interrupted by Petitions, and Letters, and Motions, representing the unsettled Condition of
some

Alms 16 Car. II.
1664.

some Counties, by reason of Fanatics, Sectaries, and Nonconformists: They differ in their Shapes and Species, and accordingly are more or less dangerous; but in this they all agree, they are no Friends to the Establish'd Government either in Church or State. And if the old Rule be true, *Qui Ecclesie contradicit, non est pacificus*, we have great reason to prevent their Growth, and to punish their Practice. To this purpose we have prepared a Bill against their frequenting of Conventicles, the Seed-plots and Nurseries of their Opinions, under pretence of religious Worship. "The first Offence is made punishable with five Pounds, or three Months Imprisonment, and ten Pounds for a Peer: The second Offence with ten Pounds, or six Months Imprisonment, and twenty Pounds for a Peer; but the third Offence, after a Tryal by a Jury, and the Tryal of a Peer by his Peers, the Party convicted shall be transported to some foreign Plantation, unless he lays down a hundred Pounds." *Immedicabile Vulnus Ense rescindendum, ne Pars sincera trahatur.* We have had much Thought how to improve the Industry of the Nation, and prevent that Idleness and Licentiousness which too fast grow upon us, especially by excessive and disorderly Gaming: Men are not content to sport away their precious Time, and play away their ready Money, but to lose or pawn their Houses and Lands, their Manors, and their Honours also. For the Prevention of the Growth of this Disease, we have prepared a Bill to make Securities for Money won at Play, whether Real or Personal, to be void.

'We have examin'd also the Reasons of the Decay of Trade: In the first place, we found our Merchants undermin'd by Fraud and Practice, and sometimes beaten out in the East and West-Indies, in Turkey, and in Africa, by our Neighbours the Dutch; who, besides the insufferable Indignities offer'd to your Royal Majesty and the Crown of England, have in a few years spoil'd your Subjects, to the Value of Seven or Eight Hundred Thousand Pounds. For Remedy whereof we have made our humble Address to your Majesty, and receiv'd a gracious Answer; and have no cause to fear but a short time will produce a just and honourable Satisfaction. The next Obstruction to our Trade, hath been a base degenerate Practice of some Seamen, who are willing to be robb'd by Pirates, that they may share in the Prize: We have therefore prepared a Bill for the Punishment of such traitorous Actions, and for the just Reward of those honest Seamen that shall preserve their Owners Goods, and manfully maintain the Right of the English Nation. Some other Discoveries we have made, which

which may be the Subject Matter of future Bills; but in respect to your Majesty's Intimation of a short Session, we were not willing to attempt more than we could reasonably dispatch. And now, great Sir, give me leave with Joy, to remember the unparallel'd Unanimity that hath this Session attended our Counsels: Our Constancy and Resolution hath been try'd beyond the Precedent of former Parliaments, or any other Session of this Parliament. The Heathens were wont to observe and envy the Christians for their Unity and Love of one another, *Ecce ut invicem se diligunt CHRISTIANI!* And may the happy Correspondence between your Majesty, and your two Houses of Parliament, increase and grow to be the Envy of the World, till all your Majesty's Enemies are forced to cry, *Ecce ut invicem se diligunt ANGLICANI!*

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In passing these Bills mention'd by the Speaker, the King made the following Speech to both Houses:

My Lords and Gentlemen,

I Did desire and conjure you at the Opening this Session, that you would keep a very good Correspondence together, that it might not be in the power of any seditious and factious Spirits to make you jealous of each other, or either of you jealous of me: And I desired you to be ready for a Session within two Months, or thereabouts. I must confess to you, you have comply'd very fully with me, for which I can never thank you enough: You have perform'd those good Respects towards me, and kept so very good Correspondence towards each other, that you have exceedingly disappointed those ill Men, who both at home and abroad had rais'd great Hopes and Expectations of new Troubles and Confusions. You have gratified me in all I desired, and are now ready for a Session within the time propos'd. This Harmony will, with God's Blessing, make us all esteem'd abroad, and secure at home; and these Obligations cannot but make me think the time long till we meet again.

The King's
Speech to both
Houses at the
Prorogation.

This Season of the Year, and your own Affairs, will invite you into the Country; and your Presence there is of great Importance to my Service, and to the public Peace. You will watch those unquiet Spirits which are still lurking, and ready to embrace all Opportunities to involve the Nation in new Distractions, under what specious Pretences soever: And you will carefully inform the People how much it is in their own power to be as happy as they can wish to be. Indeed, if they are truly sensible of their present Happiness, it will quickly be improved. I will add no more, but that I thank you all,

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all, and every one of you. And if God bless us till November, we will meet here again : I name November to you, because, if nothing extraordinary fall out, I resolve not to meet till then : But because somewhat extraordinary may fall out, you shall be at present prorogu'd but till August; and before that Day you shall have seasonable notice by Proclamation not to give your Attendance, except there be occasion, and then November will be the time.

The fifth Session of the second Parliament.

After a Recess of above six Months, the Parliament met again on November 24. When the Session was open'd by his Majesty, in a Speech from the Throne, as follows :

The King's Speech to both Houses.

My Lords, and Gentlemen,
When we parted last in this Place, I did not think we should meet here again till November, though I prorogu'd you but to a Day in August : But must now tell you, that if I could have suspected, or reasonably have imagined, that our Neighbours would have dealt so unneighbourly with me, and have forced me to make such Preparations, as they have done, for my Defence, at so vast an Expence ; I say, if I could have foreseen in August, that they would have treated me thus, I should not have prevented your coming together then. Yet truly I have reason to be glad that it hath been deferred thus long : You have had leisure to attend your own Conveniencies in the Country, and the public Service there ; and I have been able to let our Neighbours see that I can defend myself and my Subjects against their Insolence, upon the Stock of my own Credit and Reputation : And that, when I find it necessary for the Good of my People, I can set out a Fleet to Sea, which will not decline meeting with all their Naval Power, even before the Parliament come together ; which I am persuaded if they had believ'd possible, they would not so importunately have press'd me to it. I will not deny to you, I have done more than I thought I could have done, which I impute to the Credit your Vote gave me, and to the Opinion all Men had, That I did what you wish'd I should do ; by borrowing very liberally for my self out of my own Stores, and by the kind and chearful Assistance the City of London hath given me, I have a Fleet now at Sea, worthy of the English Nation ; and, to say no more, not inferior to any, that hath been set out in any Age ; and which (if I may use all freedom with you) to discharge to-morrow, and to replenish all my Stores would cost me little less than Eight Hundred Thousand Pounds. What hath pass'd

between

between me and the Dutch, and by what Degrees, Accidents and Provocations, I have been necessitated to the Preparation and Expence I have made, you shall be told when I have done; I shall only tell you, that if I had proceeded more slowly, I should have expos'd my own Honour, and the Honour of the Nation, and should have seem'd not confident of your Affections, and the Assurance you gave me to stand by me on this Occasion. That which I am now very earnestly to desire, and indeed expect from you, is, that you will use all possible Expedition in your Resolutions, lest that by unnecessary Formalities the World should think that I have not your cheerful Concurrence in what is done; and that you are not forward enough in the Support of it, which I am sure you will be: And that in raising the Supplies you take such Order, that when the Expence is obvious and certain, the Supply be as real and substantial, not imaginary, as the last Subsidies were, which you will all well enough understand.

Mr. Speaker, and you Gentlemen of the House of Commons, I know not whether it be worth my pains to endeavour to remove a vile Jealousy which some ill Men scatter abroad, and which I am sure, will never sink into the Breast of any Man who is worthy to sit upon your Benches; That when you have given me a noble and proportionable Supply for the Support of a War, I may be induced by some evil Counsellors (for they will be thought to think very respectfully of my own Person) to make a sudden Peace, and get all that Money for my own private Occasions. I am sure you all think it an unworthy Jealousy, and not to deserve an Answer. I would not be thought to have so brutish an Inclination to love War for War's sake: God knows, I desire no Blessing in the World so much as that I may live to see a firm Peace between all Christian Princes and States. But let me tell you, and you may be confident of it, That when I am compell'd to enter into a War for the Protection, Honour and Benefit of my Subjects; I will, God-willing, not make a Peace, but upon the obtaining and securing those Ends for which the War is enter'd into: And when that can be done, no good Man will be sorry for the Determination of it. To conclude, my Lords and Gentlemen, I conjure you all, in your several Stations, to use all possible Expedition, That our Friends and our Enemies may see, That I am possess'd of your Hearts, and that we move with one Soul, and I am sure you will not deceive my Expectation.

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This Speech was accompanied with a Narrative, concerning the Treaty and Manner of Proceedings with the Dutch; drawn up by the Lord Chancellor, and sign'd by his Majesty: which, as it seems, put the House in such good humour, that the very next Day they came to these two Resolutions, *viz.*

The Parliament
unanimous for
War.

First, 'That the humble Thanks of both Houses be presented to his Majesty for his most gracious Speech and Narrative, to his two Houses of Parliament, and his great Care of the Preservation of the Honour and Safety, and Trade of the Nation, by his Preparations for the Defence thereof against the Dutch; and that his Majesty would give leave that his Speech may be printed.' The next was, 'That the Thanks of both Houses of Parliament be given to the City of London for their Forwardness in assisting his Majesty; and in particular by furnishing him with several great Sums of Money towards his Preparations for the Honour, Safety, and Trade of this Nation.'

The great Re-
solve of the
Commons for
the raising
2,500,000 l.

At the same time the House of Commons let the King know, 'That they could not sufficiently express their Loyalty and Affection to his Majesty, nor the deep Sense which they all had of the Injuries and Violations committed by the Dutch: That they had considered the Burden of his Majesty's Expences, and the Necessity of his Naval Preparations; and begg'd leave to assure him of their Readiness and Constancy to yield him all the Duties of Assistance and Obedience, with their Lives and Fortunes. Accordingly they resolved, That Five and Twenty Hundred Thousand Pounds Supply shall be raised for his Majesty, in three Years, and applied towards the Maintenance of the Dutch War.' After which, both Houses adjourn'd till the 12th Day of January; when they again met, and the grand Money-Bill being ready for the Royal Assent, his Majesty came to the House of Peers, where Sir Edward Turner, the Commons Speaker, presented him with the Bill, with the following Speech: 'May it please your most excellent Majesty, The last Session of this present Parliament, the Lords and Commons did humbly present unto your Majesty the many Wrongs and Indignities done to your Majesty, and the many Injuries done to your Merchants by the Subjects of the States-General of the United Provinces; and did most humbly beseech your Majesty, That some effectual Course might be taken for Redress thereof. Your Majesty at the Opening of this Session was graciously pleased to acquaint your two Houses, That in pursuance of their Desires, you had by your Agent required Satisfaction: But that Way prov'd ineffectual, and many fresh Provocations given, whereby your Majesty was ne-
cessitated

The Speaker's
Speech at the
passing the Mo-
ney-Bill.

cessitated to a Warlike Preparation ; by the speedy Dispatch whereof you had let your Neighbours see, That you could defend your self and your Subjects against their Insolence upon the Stock of your own Credit, before your Parliament came together. And now, Sir, give me leave to say ; Your Neighbours may see, how a great King may be made greater by his Parliament. Your loyal Commons, after they had convened, did not suffer four and twenty Hours to pass, before they most chearfully gave your Majesty more than Four and Twenty Hundred Thousand Pounds. — Great Sir, your Lords and Commons will not only yield Obedience with their Bodies, but with their Purse also : In token whereof, I do, in the Name of all the Commons of England, present unto your Majesty this Bill, whereby we have given unto your Majesty a Royal Aid of Four and Twenty Hundred Seventy-seven Thousand and Five Hundred Pounds, to be paid in three Years by twelve Quarterly Payments, to begin from the 25th of December last. And we do humbly beseech your Majesty to accept it as a pregnant Demonstration of our most unfeigned Duty and Thankfulness to your Majesty. To which his Majesty, in a short Reply, 'return'd his hearty Thanks, with a generous Assurance, That the Money should be expended to the Advantage and Satisfaction of his People.'

After this, several other Bills being got ready for the Royal Assent, and a Prorogation being resolv'd on, the King came to the House of Peers, where Sir Edward Turner, the Commons Speaker, presented the Bills with the following Speech, which best shews the Nature of them. 'May it please your most excellent Majesty, The Knights, Citizens, and Burgeesses of the Commons House of Parliament, having in the Beginning of this Session apply'd themselves to the Aiding of your Majesty in your Naval Preparations, have of late consider'd of some Bills that may be most grateful to the People, either in redressing things that are grievous to them, or in advancing their Trade and Commerce ; which are the Life and Soul of the Nation. Evil Manners produce good Laws ; but the best Laws in time may grow obsolete : And such is the wicked Nature of Man, that when he cannot by Force break through a Law, he will by Fraud and Tricks endeavour to evade it. I may with great truth affirm, the Common Law of England, is the best Municipal Law in the World ; and yet if the Legislative Power were not ready to countermine the Works, and make up the Breaches that are daily made upon it, the Sons of Zerviah would be too strong for us. We have now presented to

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Anno 17 Car. II.

1664-5.

The Speaker's
Speech at the
Prorogation of
the Parliament.

your

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your Majesty several Bills for the Regulation of the Law which will serve to prune some exuberant Branches, and so pull away the Ivy that robb'd this Tree of her just Nourishment: And if your Majesty be now pleas'd graciously to shine upon her, she will flourish in great abundance, to the Content of your Majesty, and all your People.

'Cosmographers do agree, That this Island is incomparably furnished with pleasant Rivers, like Veins in the natural Body, which convey the Blood into all the Parts, whereby the whole is nourish'd and made useful. Therefore we have prepared some Bills for making small Rivers navigable; a thing that in other Countries hath been more experienced, and hath been found very advantageous: It easeth the People of their great Charge of Land-Carriages, preserves the High-ways, which are daily worn out with Waggons carrying excessive Burthens: It breeds up a Nursery of Watermen, which upon occasion will prove good Seamen, and with much more facility maintains Intercourse and Communication between Cities and Countries. We have been very much affected with the Cries and Wants of the Poor this hard Season, especially those who are about this Town, who are ready to starve for want of Fewel, the Price of Coals being so unreasonably enhanc'd by the extorting Engrosiers. We have therefore, for their present and future Ease, prepared a Bill, authorizing the Lord-Mayor and Court of Aldermen of the City of London, and three Justices of Peace within the County, from time to time to set the Prices of Coals, having regard to the Price paid by the Importer, and other emergent Charges. And now, great Sir, having finished our present Counsels, we hope your Majesty will give us leave to return for a time into our Countries, where in our several Spheres we shall be ready to serve you with our Persons and our Purfes, and also with our Prayers to the great God of Hosts, That he will be pleas'd to strengthen your Hands in the Day of Battel, and make you victorious over all your Enemies, both at home and abroad.'

In passing these Bills, the King, in a short Speech, gave in special Charge to the Members of the House of Commons,

The King's
Speech,
on the Proroga-
tion.

'**T**hat upon their Return into their respective Countries, they would as well make it their business to see the Supply, they had now granted this Session, equally laid upon Particulars, that there might be no cause of Complaint; as he himself had made it his Royal Care that there might be no Disproportion upon the Countries themselves, by mak-
'ing

'ing an Abatement, where any of them appear'd over-burden'd.' After which, he prorogu'd both Houses till the 21st of June, then to the first of August, and lastly to the 9th of October.

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In this place, it ought to be observed, that, whereas, before this Session of Parliament (excepting during the Civil Wars and the military Government which follow'd it) the Clergy us'd to tax themselves in Convocation, they were now included, like the rest of their Fellow-Subjects, in every Money-Bill which pass'd the House of Commons; in consideration of which, the parochial Clergy received the Privilege of voting like other Freeholders, in the choice of Members of Parliament.

The Plague raging in London and Westminster, the Parliament met Octob. 9, at Oxford, where the University-Schools were prepar'd for the Reception of both Houses: Notwithstanding which, the King commanded both Houses to attend him in the great-Hall at Christ-Church, and open'd the Session with the following Speech.

The sixth Session of the second Parliament, at Oxford.

' My Lords and Gentlemen,

I Am confident you will believe, that if it had not been absolutely necessary to consult with you, I wou'd not have called you together at this time, when the Contagion hath so spread itself over so many parts of the Kingdom. I take it for a good Omen to see so good an appearance this Day; and I doubt not but every Day will add to your Number; and I give you all my thanks for your Compliance so far with my desires.

The King's Speech to both Houses.

' The truth is, as I enter'd upon this War by your Advice and Encouragement, so I desire that you may as frequently as is possible receive information of the Conduct and Effects of it; and that I may have the Continuance of your chearful Supply for the carrying it on. I will not deny to you, that it hath prov'd more chargeable than I could imagine it would have been: The addition they still made to their Fleets beyond their first Purpose, made it unavoidably necessary for me to make proportionable Preparations, which God hath hitherto blessed with Success in all Encounters. And as the Enemies have used their utmost endeavours, by Calumnies and false Suggestions, to make themselves Friends, and to persuade others to assist them against Us; so I have not been wanting to encourage those Princes who have been wrong'd by the Dutch, to recover their own by Force: And in order thereunto, I have assisted the Bishop of Munster with a very great Sum of ready Money, and am to continue a Supply to him, who is now in the Bowels of their Country,

with

Annor. Car. II.

1665.

‘ with a powerful Army. These Issues, I may tell you, have been made with very good Conduct and Husbandry; nor indeed do I know, that any thing hath been spent, that could have been well and safely saved. I say this Expenditure will not suffer you to wonder that the great Supply which you gave me for this War, in so bountiful a Proportion, is upon the matter already spent. So that I must not only desire Assistance from you to carry on this War, but such an Assistance as may enable me to defend myself and you against a more powerful Neighbour, if he shall prefer the Friendship of the Dutch before mine. I told you when I enter’d upon this War, that I had not such a brutal Appetite, as to make War for War’s sake. I am still of the same mind: I am ready to receive any Propositions that France hath thought fit to offer to that End; but hitherto nothing hath been offer’d worthy my acceptance; nor are the Dutch less insolent; tho’ I know no advantage they have had but the continuance of the Contagion. God Almighty, I hope, will shortly deprive them of such encouragement: The Chancellor will inform you of all the particulars.’

The Substance
of the Chan-
cellor’s Speech.

Accordingly the Lord Clarendon, running over the whole Process of State-Affairs from the King’s Restoration to the present Juncture, observed, ‘ That notwithstanding the Indignities his Majesty had received from Holland, during the late Usurpation, where he had been little less proscrib’d than in England, he was still pleas’d to embark himself from thence, when he was press’d by two neighbour Kings, from whom he had receiv’d more Civilities, to have made use of their Ports. That, being return’d, he found one thing that exceedingly surpris’d him, a thing incredible to Posterity, that a triumphant Nation, which, by its numerous Sea-Fights had reign’d over the Ocean, and made itself formidable to all Christendom, should at that time not have in all their Magazines, in all their Stores, Arms enough to put into the hands of five thousand Men, nor Provisions enough to set out ten new Ships to Sea: All which his Majesty, tho’ he then liv’d upon credit, did not desire should be known to his best Neighbours, howsoever assur’d of their Affections; therefore he did not so much as make it known to his Parliament: But he made it his first Care, without the least Noise, and with all imaginable shifts, to provide for the full Supply of these important Magazines and Stores, which had been ever since replenish’d as they ought. His Majesty had not only done this, but also had provided several Fleets against the Pyrates in the Mediterranean Sea, which had happily and honourably brought them to Submission. Then he related the Dutch’s deserting of him in those

those worthy Designs; and repeated the several Injuries and Insolencies committed by them; the necessity of vindicating the Rights and Honour of the Nation; the King's referring of this Cause to the Parliament, the Parliament's humble Desires of Redress; the States Preparations for War, in the whole Series and Success of the War, in which he represented the great Agony the King sustain'd upon the account of his Brother's Safety. Then speaking of the Mediation of the French, he says, 'The Dutch reproach them for interposing for Peace, instead of assisting them in the War, boldly insisting upon the advantage the Contagion gives them, alledging, that the King will be no longer able to maintain a Fleet against them; as if God had sent this heavy Visitation upon the Kingdom on their behalf, and to expose it to their Malice and Insolency. They load us with such Reproaches, as the civility of no other Language will admit the Relation. The truth is, they have a Dialect of Rudeness so peculiar to their Language, and their People, that it is high time for all Princes to oblige them to some Reformation, if they intend to hold Correspondence and Commerce with them.'

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Having rous'd them with respect to foreign Enemies, he proceeded to take notice of their domestic Foes, 'Those unquiet, restless Spirits in their own Bowels, in whose Fidelity their Enemies abroad had more Dependence than upon their own Fleets. I must appeal, added he, to every one of your Observations, whether the Countenances of these Men have not appeared to you more erected, and more insolent in all places, since the beginning of this War, than they were before. In what readiness they were, if any Misfortune had befallen the King's Fleet, which they promised themselves, to have brought the Calamity into your Fields, and into your Houses, is notoriously known. The horrid Murderers of our late Royal Master have been received into the most secret Councils in Holland; and other infamous prostituted Persons of our Nation are admitted to share in the Conduct of their Affairs, and maintain their Correspondence here upon liberal Allowances and Pensions. Too many of his Majesty's Subjects, who were sent by this Crown to assist and defend this ungrateful State against their Enemies, have been miserably wrought upon, for the keeping a vile, mean Subsistence, rather than their Livelihood, to renounce their Allegiance and become Enemies to their native Country; some of whom have wantonly put themselves on board the Enemy's Fleet, without Command or Office, purely out of appetite and delight to rebel against their King, and to worry their Country. Their Friends at home, impatient of further delays for the Success they had promised

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1665.

promised themselves, and for the Succours which others had promis'd to them, made no doubt of doing the Business themselves, if they could but appoint a lucky day to begin the work. And you had heard of them in all places upon the third of last Month, their so much celebrated third of September, if the great Vigilance and indefatigable Industry of the good General, had not two days before apprehended the seditious Leaders, and given Advertisements for the Security of others in most Parts of the Kingdom; by the Confessions of many of whom, their wicked Design is enough manifested, and ready for Justice: Yet some of the principal Persons are not yet taken, and some others got themselves rescued after they were apprehended.— If you carefully provide for the suppressing your Enemies at home, which will put you to little other Expence than of Courage, Constancy and Circumspection, you will find your Enemies abroad less exalted, and in a short time more inclined to live in Amity with you, than to make War upon you; especially when they see you do *In Bello Pacis gerere Negotium*, and that you take the carrying on the War to heart, as the best and only Expedient to produce a happy and honest Peace.

The Unanimity
of both Houses.

Upon this, and the King's Speech, the House of Commons with great Unanimity came to these two present Resolutions: 'First, That the humble and hearty Thanks of this House be return'd to his Majesty for his Care and Conduct in the Preservation of his People; and the Honour of this Nation: And that this House will assist his Majesty with their Lives and Fortunes against the Dutch, or any other that shall assist them in Opposition to his Majesty. Secondly, That the humble Thanks of this House be return'd to his Majesty for the Care he hath had of the Person of his Royal Highness, the Duke of York.' To both which Votes the Lords gave their chearful Concurrence; and so both Houses went in a full Body to attend his Majesty upon this Occasion. The Commons, to make good their Promise, voted a new Supply of twelve hundred and fifty thousand Pounds, to be rais'd by a proportionable Addition to the Monthly Assessment to begin at Christmas next; all which they soon turn'd into a Bill. After which they brought in another Bill for a Month's further Assessment of a hundred and twenty thousand Pounds, to commence from the Expiration of the former Assessment, to be granted to his Majesty, with a desire to his Majesty to dispose of it to his Royal Highness the Duke of York.

1,250,000
Pounds voted.

The Commons
Thanks to the
University.

These, and several other Bills being finish'd, on the last day of the Session, the Commons resolv'd, That the Thanks of the House be given to the Chancellor, Masters, and Scho-

Scholars of the famous University of Oxford, for their eminent Loyalty to his Majesty, and his Father of ever-blessed Memory, during the late Rebellion; especially for their unparallel'd Zeal and Courage in refusing to submit to be visited by the usurped Powers, and to subscribe the Solemn League and Covenant, and for those excellent Reasons they publish'd to the World to justify their Refusal, and to assert his Majesty's righteous Cause.* These Thanks were, in a very solemn Manner, presented to the University in full Convocation by four of the House of Commons, * Mr. Laurence Hyde, and Sir Heaage Finch, Members for the University, and † Sir John Berkenhead, and ‡ Colonel Giles Strangewich; and all four were either now, or a little before, honour'd by the University with the Titles of Doctors of the Civil Law.

The same day that this Vote was made, October the 31st, the King came to the House of Peers in order to pass the several Bills, and to make a Prorogation: At which Time, the Commons being sent for, their Speaker, Sir Edward Turner, in presenting the Bills, deliver'd himself thus: ' May it please your most Excellent Majesty, The Knights, Citizens, and Burgeses of the Commons House of Parliament, in Obedience to your Majesty's Writ of Adjournment, came cheartfully to this City of Oxford to receive your royal Commands. And when your Majesty was pleas'd to acquaint them with your great Expences this Summer, and the continuing Insolencies of the Dutch, they were so inflamed with an Affection and Zeal for your Majesty's Service, that they could nor suffer the least Juncto of Time to pass before they had made a Return suitable to their Engagements, That they would assist your Majesty with their Lives and Fortunes against the Dutch, or any other that should assist them in opposition to your Majesty. The English Man useth to speak as he writes, and the English Parliament to speak as they think: No Security upon the Earth can be greater than the Engagement of your two Houses of Parliament; *Sed quid Verbu audiarn, dum Facta videm!* As a Demonstration of their Fidelity, I am commanded to present unto your Majesty this Bill, whereby they have given your Majesty twelve hundred and fifty thousand Pounds, to be levy'd in two Years, beginning from Christmas next, by quarterly Payments added to the former royal Aid: And that your Majesty's Occasions may be supply'd with ready Money, before the additional Aid can be rais'd, we have by the Bill prepared an undoubted Security for all such Persons as shall bring their Moneys into the public

TOME I.

M

Bank

* Master of the Robes. † Vid. Appendix.
Masters of the Request, and Faculty-Office.

‡ One of the

The Speaker's
Speech to the
King at the
Prorogation.

Anno 17 Car. II.

1665.

Bank of the Exchequer. As the Rivers do naturally empty themselves into the Sea, so we hope the Veins of Gold and Silver in this Nation will plentifully run into this Ocean, for the Maintenance of your Majesty's just Sovereignty on the Seas.

Great Sir, When first we besought your Majesty to correct the Insolencies, and to repair your Subjects against the Rapines of the Dutch, we did reasonably suppose, That the Justice of your Majesty's Demands would at least have had a fair and ingenuous Reception: but the Dutch resolv'd with Machiavel, to keep by Force what they had got by Fraud, and to return their Answer by the thundering Noise of their Cannon: The great God of Hosts, to whom Vengeance belongeth, hath eminently appeared in your Majesty's Quarrel, and sharply rebuk'd the Insolence of that proud People. It is true, our Sins do cry aloud, as well as theirs; but God is pleas'd in Mercy to correct us himself, while by our hands he punishes them, and makes them fly before us: I hope his Mercy will invite us to a national Repentance, and 'if he be with us, who can be against us?' We can but take notice of the sordid Defection of some English Fugitives, who have traitorously join'd with the Dutch, both in their Counsels and Actions, against your Majesty, and this their native Country: We therefore have prepared a Bill, whereby they are enjoin'd to return by a Day, and answer to the Law, or else they shall be attainted of High-Treason. It hath been an old Observation, That scandalous Livings make scandalous Ministers; and this most frequently falls out in Cities and Corporate-Towns, where are little or no predial Tythes, and therefore for mere Want they are forc'd to chant such Tunes as may please the rich Men in their Parishes: For prevention of this for the future, there is a Bill prepared for the Uniting of small Churches and Chapels in Cities and Towns-Corporate, by the Consent of the Patron, reserving other Parochial Rights distinct as they were before. This being a Time wherein your Majesty needs great Supply, we held it our Duty to ease the People in some unnecessary Expences; and therefore we have prepared a Bill for the more effectual Proceeding upon Distresses and Avowries for Rent; another to avoid Circuity of Actions; a Third to lessen the Charge of necessary Suits in Law; and a Fourth to take away an ancient and burdensome Fee in the Courts of Judicature, call'd Damage Cleer, or *Damna Clericorum*.

Tacitus has a Saying, Such as are false in their Love, are true in their Hatred; and this we find verify'd in our Nonconformists: While they were in the Bosom of the Church

Church of England; they were like inward Vapours, and inward Bleedings, always oppressing and strangling the Body of the Church; and now they are rejected and excluded from the Ministerial Function, they have more Malice, and no less Opportunity to propagate their Principles than they had before. Some of them are Objects of Pity; they submitted their Reason to their Leaders of a higher Class, who failed them in their Hopes, and left them to the Rigour of the Law. Those poor Creatures have seen their Errors, and felt the Smart, and would live peaceably; but their Jesuitical Leaders keep up their Spirits, and herd with them in Cities and Corporate-Towns, where, by the Pretence of Persecution and Self denial, they move the Pity of good-natur'd People, who with their Charity keep up the Party, lessen the Maintenance of Conforming Ministers, and spread their Contagion amongst the Youth of the Nation. For the Prevention of this growing Mischief, we have prepared a Shiboleth, a Test, to distinguish amongst them who will be peaceable, and give hopes of a future Conformity, and who, of Malice and evil Disposition, remain obdurate: The one, we shall keep amongst us with all Love and Charity; the other we shall exclude from Cities and Corporation-Towns, like those that have an infectious Disease upon them.

It is not unusual for the Commons, at the Close of a Session of Parliament, by their Speaker to present a Petition to their Sovereign; and, with your Majesty's Leave, I am now commanded that Service: We do, with all humble Thankfulness, acknowledge to God our great Happiness, That we are govern'd by a Prince, whose Prudence in Council, whose Valour in Action, and whose Fatherly Care in Protection of his People is eminent in all the World; and it is not the least Mercy, both to your Majesty and your People, That God has bless'd you with a Brother so like yourself. The Name of his Royal Highness is already enroll'd amongst the Heroes of other Nations; but his native Country had not so great Experience of him, till your Majesty was pleas'd, in this Summer's Expedition, to trust him with the Conduct of the most royal Fleet that ever sail'd upon the British Seas; wherein he shew'd that Prowess and that Prudence, and, by the Blessing of Almighty God, was crown'd with that Success against the Dutch, that we cannot pass it by in Silence; and yet we are at a loss how to express our Thanks both to your Majesty and him. I am commanded therefore to beseech your Majesty, That you will vouchsafe to let us make a Present to you of a Month's Tax, to come in the Rear after the twenty four Months of your

Anno 17 Car. II.
1665.

Majesty's royal Aid; and that your Majesty will be pleased to bestow it upon his Royal Highness. And now, Great Sir, I have no more, but to beseech Almighty God, who hath so miraculously preserv'd your royal Person, and your two Houses of Parliament, from all Sicknes and Contagion during this Session, that he will be pleased to send Health throughout all the Nation; that he will crown all your Designs against your Enemies with Victory and Success, and give your Majesty a long and happy Reign over us."

The Seventh
Session of the
second Parlia-
ment.

September 21, the Parliament, after several Prorogations, and a long Recess of ten Months and three Weeks, met again at Westminster, where his Majesty from the Throne thus declared himself to both Houses:

The King's
Speech to both
Houses.

' My Lords and Gentlemen,

' I Am very glad to meet so many of you together again, and God be thanked for our meeting together in this Place; little time hath pass'd since we were almost in despair of having this place left to meet in. You see the dismal Ruins the Fire hath made; and nothing but a Miracle of God's Mercy could have preserved what is left from the same Destruction.

' I need make no Excuse for dispensing with your Attendance in April; I am conscious you all thank'd me for it: The truth is, I desire to put you to as little trouble as I can; and I can tell you truly, I desire to put you to as little Cost as I can possibly. I wish with all my heart that I cou'd bear the whole Charge of this War myself, and that my Subjects shou'd reap the Benefit of it to themselves. But you have two very great and powerful Enemies, who use all the means they can, fair and foul, to make all the World concur with them; and the War is more chargeable by that Conjunction, than any body thought it wou'd have been. I need not tell you the Success of this Summer, in which God hath given us great Success; and no question but the Enemy hath undergone great Losses; and if it had pleased God to have withheld his last Judgment by Fire, we had been in no ill Condition. You have given me very large Supplies for carrying on the War: And I must tell you, if I had not, by anticipating my Revenue, rais'd a very great Sum of Money, I had not been able to have set out the Fleet this last Spring; and I have some Hope upon the same Credit to be able to pay off the great Ships as they come in. You will consider what is to be done next, when you are well inform'd of the Expence; and I must leave it to your Wisdoms to find out the best Expedients for the carrying on this War with as little Burden to the People as is possible.

‘ possible. I shall add no more, but, that our Enemies Anno 18 Car. II.
1666.
 ‘ are very insolent; and if they were able this last Year
 ‘ to persuade this miserable People, whom they so misled,
 ‘ That the Contagion had so wasted the Nation, and im-
 ‘ verished us, that we could not be able to set out any Fleet,
 ‘ how will they be exalted with this last Impoverishment
 ‘ of this City, and condemn all reasonable Conditions of
 ‘ Peace? And therefore I cannot doubt but you will pro-
 ‘ vide accordingly.’

Immediately upon this Speech the Commons unanimously The Commons
Resolved.
 resolved, ‘ That the humble and hearty Thanks of this House
 be returned to his Majesty for his great Care in the ma-
 nagement of the present War, and that this House will
 supply his Majesty proportionably to his present Occasions;
 and that the Lords Concurrence be desired to this Vote.’
 Soon after which, to make good their Promise, they voted
 a royal Aid of one Million and eight hundred thousand
 Pounds for carrying on the present War. And on the 25th
 of September, in the Afternoon, both Houses of Parliament,
 being agreed, attended his Majesty in a Body at the Ban-
 quetting-House in Whitehall, ‘ To manifest their hearty
 Concurrence in the Vote for supplying his Majesty with
 whatsoever was necessary for the carrying on of the War.’
 On the 1st of October following, the Commons resolved
 and voted, ‘ That the Thanks of this House be given
 to his Majesty for his great Care and Endeavour to prevent
 the burning of the City of London.’

Soon after the House began to be employ’d in enquiring
 into some Misarrriages and Misdemeanors, and design’d
 particularly to impeach the Lord Viscount Mordant, Con-
 stable of the Castle of Windsor. Which Proceedings were
 thought too dilatory, and not so agreeable with the Exi-
 gencies of the Court. Therefore the King, on the 15th
 of December, sent a particular Message in Writing by Mr.
 Secretary Morrice to the Speaker, in these Words: ‘ His
 Majesty is sorry that the difficulty his House of Commons
 hath met with, hath detain’d them so long without perfect-
 ing his Supply. His Majesty cou’d wish, that the posture
 of his Affairs would permit the giving of his two Houses a
 short Recess at Christmas: But the Season of the Year being
 consider’d, and how much the necessary Preparations against
 the Spring depend upon the Dispatch of the Supply, he
 assures himself is preparing for him, he cannot think it con-
 sistent with his Service, and the public Safety, to permit
 any Adjournment, except for the Chief Festival Days, until
 that, and the other most Public Bills, be dispatch’d, which
 he desires may be hastned; and which his Majesty should
 be

*The King's
Message to the
Commons.*

2666-7.

**Articles of Impeachment
against the
Lord Mordant.**

After a short Recess in Christmas, the Parliament met again on the second of January; and the House of Commons proceeded to Business with Vigour; but still resolv'd upon the Impeachment of the Lord Mordant, and accordingly drew up Articles of High Crimes and Misdemeanors with the usual Formalty, the substance of which uncommon Accusation was as follows: ' 1. That the said Lord Mordant, being Constable of the Castle of Windsor, and Commander of the Garrison there, understanding that one William Taleur Esq; a loyal Person in Office in the said Castle, and possess'd of certain Lodgings there appertaining to his Offices, did intend to stand for one of the Burgesses of Windsor to serve in this present Parliament that met in 1661; some Weeks before the Election, to disparage and prevent the said William Taleur, and to strike a Terror into those of the Borough, by colour of a Warrant from his Majesty, on the 17th of March, did by Soldiers forcibly eject the said William Taleur, together with his big-belly'd Wife, Family and Goods out of the said Lodgings and Castle; the rude Carriage of which Soldiers frighted a young Child out of its Wits, whereof it died soon after. 2. On the 23d of the said Month, the said Lord Mordant did command William Taleur to be forcibly seiz'd upon by his Soldiers in the Prison of the Borough, out of the Precincts of the Castle, where he was a Prisoner for Debt, carry'd him out of the Prison to the Castle, without any Warrant, and detain'd him Prisoner eleven Hours in a cold, low Room, notwithstanding the Offer of two Thousand Pound Bail. 3. That the said Lord Mordant, during the Time of Mr. Taleur's Imprisonment, being told that he was the King's Servant, and had the great Seal for his Place as well as he, in high Contempt of the King's Authority, reply'd, He wou'd dispose of his Places, and break the great Seal, and justify it when he had done. 4. That the said Lord Mordant, in March 1664, by Letters and otherwise made sundry uncivil Addresses to a Daughter of Mr. Taleur's; which she rejecting, and threatening to acquaint his Lady with them, he swore a most dreadful Oath and Imprecation, he wou'd prosecute Her and her Family to all Eternity. 5. That on the 23d of November 1665, Mr. Taleur was by the Lord Mordant's Command forcibly dispossest'd of certain Rooms in the Timber Yard belonging to the Castle, without the Walls, belonging to his Office of Paymaster and Surveyor

of the Castle. 6. That a Warrant surreptitiously obtain'd from his Majesty, dated November 30th, 1665, but not produced till some Months after, for restraining Mr. Taleur from going out of the Castle, was directed to the said Lord Mordant; who, without mentioning the King's Warrant, caus'd him again forcibly to be apprehended in the Borough of Windfor, and carry'd to the Castle, where he was detain'd Prisoner twenty Weeks, five of which in close Durance, contrary to the King's Warrant, which only restrain'd him to the Castle. 7. That, during this Imprisonment, the said Lord refused to obey a *Habeas Corpus* brought by Mr. Taleur; and when he was serv'd with another, he gave the Messenger reproachful Language, calling him Rogue for delivering the said Writ, and saying, That was all the Answer he would give to it. 8. That Mr. Taleur, when he was enlarg'd by an Order from the King's Bench, fearing he should be again illegally imprison'd, did thereupon make application to his Lordship by Friends for a Reconciliation; who answer'd, He would never be reconcil'd to him, and threaten'd to imprison him again; and if he brought another *Habeas Corpus*, he would imprison him again and again, and keep him Prisoner as long as he liv'd, and likewise turn him out of all his Offices. By reason of which Menaces, Mr. Taleur was forc'd to desert his Wife, Family and Employments at Windfor, and to absent himself till this present Session of Parliament. For all which high Crimes and Misdemeanors, the Commons of England demanded Justice, condign Punishment, &c.

Soon after this Impeachment, a Difference ensued between the Lords and Commons, concerning a Poll-Bill, and the taking the public Accounts; the first of whom were for doing it by Commission from the King, and not by Bill, as was propos'd by the Commons. The consequence of which was, that the House in some heat resolv'd, 'That this Proceeding of the Lords in going by Petition to the King for a Commission for taking the public Accounts, while there was a Bill sent up by this House, and depending before them, for taking the Accounts another way, is unparliamentary, and of dangerous consequence.' Within two or three Days they likewise declared, 'That, according to the tight and settled Course of Parliament upon Bills, neither a Bill, nor any Part thereof is to be communicated to his Majesty by either House, until the whole be agreed unto by both Houses.' As to the Poll-Bill, the Lords in a free Conference insist'd, among other things, upon adding some Names to the Commissioners. To which the Commons disagreed; but without the least asserting

Ratio & Causa.
1666-7.
The Lords and Commons disagree.

Anno 13 Car. II.
1666-7.

The King passes
some Bills, with
a Speech.

asserting their peculiar Rights as to Money-Bills: They only gave this modest Reason for their Non-compliance, ' That it hath been observ'd, that in all Acts of Subsidies and of Poll-Money, the greater the Number of Commissioners, the less Money hath been rais'd; for many Commissioners incumber one another, and rather procure the Ease of themselves, and their many Friends, than the Advance of the King's Service, and the public Benefit.'

During these Divisions between the Houses, the King, understanding the Poll-Bill, and some others, to have got through both, on the 18th of January came to the House of Peers, and pass'd that and the rest, with the following gracious Speech:

' My Lords and Gentlemen,

' I Have now pass'd your Bills, and was in hopes to have had other Bills to pass too: I cannot forget that, within a few days after your coming together in September, both Houses presented me with their Vote and Declaration, That they would give me a Supply proportionable to my Occasions. And the Confidence of this made me anticipate that small Part of my Revenue, which was unanticipated, for the Payment of the Seamen; and my Credit hath gone further than I had reason to think it would, but it is now at an end. This is the first day I have heard of any Supply, being the 18th of January; and what this will amount to, God knows; and what time I have to make such Preparations as are necessary to meet three such Enemies as I have, you can well enough judge. And I must tell you what Discourses are abroad; I am not in any Treaty; but by the Grace of God I will not give over my self and you, but will do what is in my power for the Defence of my self and you. It is high time for you to make good your Promise, and it is high time for you to be in the Country, as well for raising of Money, as that the Lord-Lieutenants and Deputy-Lieutenants may watch the seditious Spirits which are at work to disturb the public Peace: And therefore I am resolved to put an end to this Session on Monday next come Seven-night; before which time I pray let all things be made ready that I am to dispatch. I am not willing to complain that you have dealt unkindly with me in a Bill I have now pass'd, in which you have manifested a greater Distrust of me than I have deserv'd. I do not pretend to be without Infirmities, but I have never broken my word with you; and, if I do not flatter my self, the Nation had never less cause to complain of Grievances, or the least Injustice or Oppression, than it hath

' hath had in these seven Years it hath pleas'd God Anno 12 Car. II.
' to restore me to you: I would be glad to be used ac- 1666-7.
' cordingly.'

Notwithstanding this intimidating Speech, the Commons proceeded with the Affairs before them; especially the Impeachment of Lord Mordant, which had likewise given his Majesty some offence.

Serjeant Maynard, Sir Robert Atkins, and Mr. William Prynne, &c. were appointed to manage the Evidence at the Hearing: And on the 26th of January, read the Articles before the House of Lords; but with Dissatisfaction observ'd, that, during the reading of them, the Lord Mordant was within the Bar of the House. Of this the Commons complain'd, and mov'd, 'That, according to former Precedents in such Proceedings, his Lordship might stand without the Bar of the House.' And when one appeared as Council for him, beginning to plead in this Matter, they thought fit to interrupt him, acquainting the Peers, 'That his Lordship ought not to have any Council assign'd him to plead for him in matter of fact upon the Impeachment.' This caus'd a Conference, and indeed a Difference between the two Houses: The Lords insisted upon their Rights and Privileges, and on the 4th of February confirm'd their Order for the Lord Mordant's sitting within the Bar at his Trial, produc'd two Precedents for it, and declared themselves ready for the Trial the next Morning. The Commons upon this were still more dissatisfy'd, and desir'd a free Conference; in which matters were carry'd so high, that the Lords declared, 'That they desired this Conference to preserve a right Understanding between both Houses; but insisted upon it, that they might deny a free Conference with the Commons, citing a Precedent, 12th Jacobi, where a free Conference was deny'd the Commons in point of one Imposition; and that in point of Judicature (which the Lords insisted on to be only in the King and themselves) they might deny the Commons a free Conference.'

Further Disputes
between the
Lords and Com-
mons.

But all these Disputes were ended on the Eighth of February, by the Appearance of the King in the House of Peers, who sent for the Commons in order to a Prorogation. Their Speaker Sir Edward Turner, having several Bills ready, presented them with this following Speech to his Majesty, which is the last we find that he made upon the like occasion: 'May it please your most excellent Ma-
jesty, Nothing conduceth more to the Happiness of a Na-
tion, than a right Understanding between the Prince and
the People: And nothing more advanceth this Correspondence,

The Speaker's
Speech to the
King at the
Prorogation.)

Anno 16 Car. II.
1686-7.

denice, than frequent Meetings in Common Council. By the Wisdom of our Fore-fathers, the Security of our Lives, our Liberties, and our Properties, is lodg'd in our English Parliaments; and so gracious have your Majesty's Predecessors been, That, for the Satisfaction of their People, they have made several Laws, some for Triennial, some for Annual Parliaments. Your Majesty by their Example, upon the humble Suit of your Lords and Commons, hath in a former Session of this Parliament pass'd an Act for Triennial Meetings in Parliament: But in this your Majesty hath exceeded all your Predecessors, That as your happy Restoration was in a Convention of Parliament, so of your own accord, for the Public Good, and as a Demonstration of your extraordinary Love to Parliaments, you have vouchsafed ever since your Return to converse with your People in Parliament; this being the sixth Year and sixth Session [seventh Meeting] of this present Parliament. The last time your Majesty was pleased to speak to us, you commanded us to make ready all things that you were to dispatch this Session: In obedience thereunto, we have with all Industry imaginable endeavour'd so to prepare those Matters that were before us, that your Majesty and the whole Nation may receive satisfaction in our Dispatches. First it concern'd us to keep our words with your Majesty, in finishing that Supply, which we promised you for the carrying on the War. In order whereunto, I do here present unto your Majesty this Bill of Eleven Months Assessments upon our Lands, to take place in a Post-Charge after the Additional Royal Aid now current is expired. This Act, together with the Poll-Bill lately passed, we conceive will fully make good the Million Eight Hundred Thousand Pounds we promised to your Majesty.

We must for ever with Humility acknowledge the Justice of God in punishing this whole Nation by the late dreadful Conflagration of London: We know they were not the greatest Sinners on whom the Tower of Siloam fell; and doubtless all our Sins did contribute to the filling up that Measure, which being full, drew down the Wrath of God upon that City: But it very much reviveth us to behold the miraculous Blessing of God upon your Majesty's Endeavours for the Preservation of that Part of the City which is left: *Et fas est resurgere Menis Troja!* We hope God will direct your Royal Heart, and fortunate Island in a few days to lay a Foundation-stone in the Re-building that Royal City; the Beauty and Praise whereof shall fill the whole Earth. For the Encouragement of this noble Work we have prepared several Bills:

One,

One, for establishing a Judicatory for the speedy determining all Actions and Causes of Action, that have or may arise between Landlords and Tenants upon this sad Accident. Though I persuade myself no Englishman would be exempted from making some Offering to carry on this pious Undertaking; yet the exemplary Charity of your twelve reverend Judges is fit with honour to be mention'd before your Majesty: They are willing to spend all their Sand that doth not run out in your Majesty's immediate Service of dispensing Justice in their several Courts to your People, in Hearing and Determining those Controversies that may arise upon old Agreements, and making new Rules between Owners and Tenants, for their mutual Encouragement in this glorious Action. We have likewise prepared a Bill for the regularity of the new Buildings, that they may be rais'd with more Conveniency, Beauty, and Security, than they had before: Some Streets we have order'd to be open'd and enlarg'd, and many Obstructions to be remov'd; but all with your Majesty's Approbation. This we conceive cannot be done with Justice, unless a Compensation be given to those that shall be Losers; we have therefore laid an Imposition of twelve Pence upon every Chaldron, and twelve Pence upon every Tun of Coals that shall be brought into the Port of London for ten Years, the better to enable the Lord-Mayor and Aldermen to recompense those Persons whose Grounds shall be taken from them.

Rome was not built in a day: Nor can we, in the Close of this Session, finish the Rules for the dividing of Parishes, rebuilding of the Churches, and the ornamental Parts of the City that we intended; these things must rest till another Session: But we know your Majesty, in the mean time will take them into your Princely Consideration, and make it your Care, That the Houses of God, and your Royal Chamber, be decently and conveniently restored. And now, Great Sir, having thus happily finish'd the Business of this Session, we beg your Majesty's Leave that we may return to our own Houses, there to put in execution the good Laws which you have made, and to defend our several Countries against all Designs to disturb the Peace of the Nation. And we beseech Almighty God, who hath hitherto wonderfully preserv'd your Majesty's Person, and made you glorious in all your Achievements, still to prosper your Forces both at Sea and Land, till he hath made your Majesty an *Assur* for all your Friends, and a Terror to your Enemies both at home and abroad.

Upon passing the Bills mention'd in this Speech, and some few others of less moment, his Majesty made the following Speech:

Anno 19 Car. II.
1666-7.

The King's
Speech to the
Houses at the
same time.

My Lords and Gentlemen,
I Thank you for this other Bill of Supply which you have given me, and I assure you the Money shall be laid out for the Ends it is given: I hope we shall live to have Bills of this nature in the old Stile, with fewer Proviso'es. I look'd to have somewhat offer'd to me concerning the Accounts of the Money that hath been already rais'd since the War: Which, since you have not done, I will take care (after so much Noise) that the same be not stifled, but will issue out my Commission in the Manner I formerly promis'd the House of Peers; and the Commissioners shall have very much to answer, if they do not discover all Matters of Fraud and Cozenage. The Season of the Year is very far spent, in which our Enemies have got great Advantages over us; but, by the Grace of God, I will make all the Preparations I can, and as fast as I can: And yet I must tell you, That, if any good Overtures be made for an honourable Peace, I will not reject them; and I believe all sober Men will be glad to see it brought to pass.

I shall now prorogue you till towards Winter, that you may, in your several Places, attend the Peace and Security of your several Countries, where there are unquiet Spirits enough working: And I do pray you, and I do expect it from you, That you will use your utmost Endeavours to remove all those false Imaginations in the Hearts of the People (which the Malice of ill Men hath industriously infus'd into them) of I know not what Jealousies and Grievances. For I must tell you again, and I am sure I am in the right) That the People had (never so little Cause to complain of Oppression and Grievances, as they have had since my Return to you. If the Taxes and Impositions are heavy upon them, you will put them in mind, That a War with such powerful Enemies cannot be maintain'd without Taxes: And I am sure the Moneys rais'd thereby come not into my Purse. I shall add no more; but I promise myself all good Effects from your Affections and Wisdoms where-ever you are; and I hope we shall meet again of one Mind, for my Honour, and the Good of the Kingdom. And now, my Lord Privy-Seal, do as I have directed you. Accordingly the Lord Roberts declar'd the King's Pleasure for proroguing the Parliament to the 10th Day of October; which put an end to the Seventh Session, or rather Meeting, of the Second and Long Parliament, after a Continuance of four Months and about two Weeks.

An intermediate
Session.

In obedience to the King's Proclamation, but contrary to usual Custom, the Parliament met on the 25th of July, making

making a sort of an intermediate Session, and of a very short Continuance. The Commons immediately enter'd upon the Debate of the new-raisd Army, which they resolv'd to break as soon as might be, and spoke so clearly and freely in that matter, that the Court resolv'd to give them some little Interruption, either to mollify the warmest Opposers, or to make way for new Measures. For this end a Message was sent from the Chancellor to the Speaker of the Commons, 'to let them know, That his Majesty, conceiving the House might not be full at their first Meeting, he had deferr'd his coming to acquaint them with what he had to say, till Monday the 29th of this Month; and that the House should be adjourn'd till that Day.' But before the Message came to them, they had pass'd a Resolution, 'That his Majesty should be humbly desired, that, as soon as the Peace was concluded, the new-raisd Forces might be disbanded.' Upon the appointed Day, his Majesty came to the House of Peers with the usual Ceremonies, where he made a short Speech to the two Houses, 'excusing the 'Trouble of extraordinary Attendance, and telling them 'the Occasions of their Meeting were now less urgent; and 'therefore he could again dismiss them to the day formerly 'prefix'd, and should take an Opportunity, in the mean while, 'to do some things, which he hoped would not be unwelcome 'to them.' And accordingly he prorog'd them to the 10th of October.

Anno 19 Car. II.

1667.

A Prorogation.

On the 10th day of October, after a double Prorogation, the Parliament met at Westminster, having in effect had a Recess of about nine Months, but from the last short intermediate Meeting not above ten Weeks. When his Majesty made this short Speech to both Houses:

The Eighth Session of the second Parliament.

'My Lords and Gentlemen,
'**W**hen we last met here, about eleven Weeks ago, I thought fit to prorogue the Parliament to this very Day, resolving that there should be a Session now, and to give myself time to do some things I have since done, which I hope will not be unwelcome to you, but a Foundation for a greater Confidence between us for the future. The other Reasons for that Prorogation, and some other Matters with which I would acquaint you, I have commanded my Lord-Keeper to declare unto you.'

The King's Speech to both Houses.

Hereupon the new Lord-Keeper Bridgeman made the following Speech: 'My Lords, and you Knights, Citizens, and Burgesses of the House of Commons; This Parliament, (after many good and wholesome Laws made with your Advice in several Sessions, many great Supplies and Aids given

The Lord-Keeper Bridgeman's Speech.

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given to his Majesty, and for the Maintenance of the War, and many other signal Testimonies of your Affection and Duty to him, for which his Majesty again and again renews unto you his most hearty Thanks) was, as you very well know, prorogu'd from February last; till this tenth of October; his Majesty having then reason to believe, that there could be no Cause of your re-assembling in the mean time. But in this Interval, the Dutch (who since the War began, were strengthen'd by the Union of France and Denmark, having a great Fleet) actually invaded the Land; and the French at the same time had a royal Army in the Field, not far from the Sea-Coast; the Conjunction of which with the others, in some Design against England, or some other of his Majesty's Dominions, we had then cause to suspect. In this streight, his Majesty (who in lesser Difficulties had frequent recourse unto his Parliament, as his great and faithful Council, and therefore hath every Year once, often twice, re-assembled you) thought it necessary to anticipate the Time, and issu'd out Proclamations for your Meeting on the 25th day of July last. This, tho' unusual, was done by the Advice of his Privy-Council; public Necessity and Exigencies allowing, or at least dispensing with many things, which, except in such Cases, were not to be allow'd or dispensed withal. Before the 25th day of July, there was a Prospect and daily Expectation, and within three days following, an Assurance of a Peace concluded with, and ratify'd by our three potent Adversaries. The Storm which threatned us being thus blown over, and succeeded by so great a Serenity, it was rais'd as a Doubt by grave and wise Men, Whether or no, the Necessities and Difficulties which caus'd so early a Summons being remov'd, you could sit or act as a Parliament before the 10th of October; being the fix'd Time to which you were formerly prorogu'd. For this Cause, together with those others mention'd by his Majesty, he in his princely Wisdom held it necessary, in a matter of so great Consequence, again to fix upon this Day for your Meeting in Parliament, about which there can be no Dispute; which being thus twice prefix'd, and you meeting here upon a double Call, his Majesty hopes it is a happy Omen, That this Session of Parliament (which in Law is but this one Day, all Acts of this Session referring to it, unless otherwise specially provided) will be happy and prosperous to his Majesty, to You, and to the whole Kingdom.

My Lords and Gentlemen, His Majesty supposes, that no Man wou'd expect, that during your Recess he should have refused Overtures of Peace: The Vicinity as well

as Potency of his united Enemies, the great Expences of the War, carry'd on with much Disadvantage, by reason of the Plague and dismal Fire in London, the Consideration of the Posture of Affairs abroad, besides many other Motives obvious unto you, induc'd him to embrace the Opportunity of concluding a Peace. But you well know, that tho' the War be at an end, all the Effects thereof are not yet ended. It will require Time and your good Advice, to remove those Obstructions which hinder the Current of Trade both at home and abroad. And in this Particular, his Majesty thinks fit to recommend it to your Wisdom, to settle such a Balance of Trade between his Subjects of this Kingdom and those of Scotland, as that we may not be prejudic'd by the Import of their Commodities hither; nor yet they be so discourag'd, as to leave off trading here, and find out other Vent abroad more dangerous to us. This he finds too hard for him without your Assistance, tho' upon your recommending it to him, he has used some Endeavours therein. His Majesty formerly promised, that you should have an Account of the Moneys given towards the War, which his Majesty has commanded his Officers to make ready: And since that way of Commission, wherein he had put the Examination of them, hath been ineffectual, he is willing you shou'd follow your own Method, examine them in what way, and as strictly as you please; he doth assure you, He will leave every one concern'd to stand or fall, according to his own Innocence or Guilt. His Majesty has reason to believe, that some disaffected Persons, taking advantage of the public Necessities, have spread abroad Discourses and Rumours, reflecting upon the Government, intending thereby to beget a Disaffection in his good Subjects: And it is an easy thing to take exceptions, *Cum neque Culpam humana infirmitas, neque Calumniam regnandi Difficultas evitet.* But his Majesty promises himself from your good Affections, that every one of you in your several Places will endeavour to preserve a good Understanding between him and his People: And if any just Grievances shall have happen'd, his Majesty will be as willing and ready to redress them for the future, as you to have them represented unto him. And his Majesty doubts not but you will give healing and moderate Counsels, and imprint that known Truth into the Hearts of his Subjects, that there is no distinct Interest between the King and his People; but the Good of one, is the Good of both.

Immediately after, the House of Commons took into Consideration what had been said to them, and resolv'd upon an Address of Thanks to his Majesty, in which they desir'd and obtain'd the Concurrence of the Lords. Accordingly, on the 15th of October, the two Houses in a Body,

with

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The Address
of both Houses
to the King.

with their Speakers, attended the King in the Banqueting-House at Whitehall; where the Lord-Keeper, as Speaker of the House of Peers, in the Name of both Houses, repeated this following Address to his Majesty: ' We your Majesty's loyal and faithful Subjects, the Lords and Commons in Parliament assembled, having taken into our serious Consideration your Majesty's gracious Speech, wherein you were pleas'd to let us know, that your Majesty thought fit to prorogue this Parliament till the 10th of October, that you might give yourself time to do something which wou'd not be unwelcome, but a Foundation for a greater Confidence between your Majesty and your People; we find ourselves bound in Duty to return your Majesty our humble and hearty Thanks for the gracious Declaration of your royal Intentions in that your Majesty's gracious Speech, and in that deliver'd by your Majesty's Command by the Lord Keeper. And particularly, " That your Majesty has been pleas'd to disband the late rais'd Forces; and to dismiss the Papists from out your Guards, and other military Employments: For your Majesty's Care in quickning the Execution of the Act for restraining the Importation of foreign Cattle: For causing the Canary Patent to be surrender'd and vacated: And more especially, that your Majesty hath been pleas'd to displace the late Lord Chancellor, and remove him from the Exercise of public Trust and Employment in Affairs of State." To which Address his Majesty was pleas'd to make this Return; ' I thank you for your Thanks; ' I am glad the things I have done have given you so good ' Satisfaction: And for the Earl of Clarendon, I assure you I ' will never employ him again in any publick Affairs whatsoever.*

His Answer.

Proceedings a-
gainst the Earl
of Clarendon.

October 26. the Commons took into Examination, the Conduct of the Earl of Clarendon, to whose charge * Mr. Edward Seymour then laid many great and heinous Crimes. Upon which there arose a Debate in the House how they should proceed upon it, some moving he should be impeach'd in the Name of the Commons, till Articles should be form'd against him; others urg'd, that Witnesses should be first examined, to see how the Charge might be made good, lest, in case of Failure, it might reflect on the Honour of the House. After a long Debate a Committee was appointed to search Records for Parliamentary Proceedings in the like Cases; from which Sir Thomas Littleton making Report on the 30th, that they had found various Proceedings in several Parliaments, there arose another long Debate, which was maintained with great Warmth, and in which the Earl

was

* Afterwards Sir Edward, Speaker of the House of Commons, a Commissioner of the Admiralty, and Treasurer of the Navy.

Sir Tho. Littleton.

was loaded with many heavy Crimes and Misdemeanors. Anno 19 Car. II. 1667. The chief Speakers against his Lordship were Mr. Seymour, Sir Thomas Littleton, Serjeant Maynard, Sir John Holland, Sir Thomas Osborn, * Sir Robert Howard, Mr. Garraway, Lord Saint John, † Sir Charles Wheeler, Mr. Hampden, Mr. Marvel, Mr. Prynne, Mr. Secretary Morrice, Mr. Waller, and ‖ Sir John Vaughan; which last having been formerly intimate with the Chancellor, upon the Restoration finding himself receiv'd with more coolness than he expected, omitted no opportunity of opposing him; and in these Debates none pursu'd him with greater Animosity. The chief on the other side, who stood up in favour of the Earl, were Sir Heneage Finch, Sir Francis Goodrick, ‡ Mr. Coventry, Sir Edward Thurland, Sir John Brampston, ** Sir John Talbot, Sir John Shaw, †† Sir Thomas Clifford, ‖ Sir Stephen Fox, and the Earl's own Son, Mr. Lawrence Hyde; which last declared, he was sensible the House might think him partial; but that he shou'd endeavour to shew himself not so much the Son of the Earl of Clarendon, as a Member of that House: That if he shou'd be found guilty, no Man shou'd be more against him than he; otherwise he hoped every one wou'd be for him as much as himself; That every one in his own Conscience was to consider what of that Charge was true; since he was assur'd, that if one Article was prov'd against the Earl, he and all his Friends wou'd own him guilty of all the rest.

His Son vindicates him.

This Debate ended in a Vote, that the Committee shou'd reduce the Accusation to Heads, and present them to the House; all which was done on the 6th of November; when Sir Thomas Littleton reported and read the same as follows:

TOME I.

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I.

* Auditor of the Exchequer. † Captain of Foot and Governor of Novis. ‖ At the end of this Session, made Lord-Chief-Justice of the Common Pleas. ‡ Afterwards Secretary of State. ** Captain of Foot and Dragoons, Commissioner of Prizes, Excise, Fee-Farm-Rents, and Master of the Jewel Office in Reversion. †† First Comptroller, then Treasurer of the Household, and afterwards a Peer, and Lord High Treasurer.

‖ Clerk of the Green-Cloth. With Regard to this last Gentleman, Arch-Deacon Echard tells the following Story:

'It is to be rememb'd, that in all the Proceedings of the Commons against this unfortunate Man, Sir Stephen Fox, who had a particular Place in the King's Household, as well as in the Commons, always voted in favour of the Earl. For which he was reprimanded by the King himself, who seeing him one day, said, *How now, Fox, how came you to vote against my Inclinations?* Sir Stephen bravely answered to this Effect, *Sir, I have known this Gentleman many Years, and have liv'd under the same Roof with him; and I am sure he is an honest Man, and can never be guilty of the Crimes laid to his charge.* Upon which the King reply'd with a Puff, *Ay, Fox, you will say any thing; and so turn'd away without any more Words, or future show of Resentment.*'

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The Articles
against him

I. That the Earl of Clarendon hath design'd a standing Army to be rais'd, and to govern the Kingdom thereby; and advis'd the King to dissolve this present Parliament, and to lay aside all Thoughts of Parliaments for the future, to govern by a Military Power, and to maintain the same by Free-Quarter and Contribution. II. That he hath, in the hearing of the King's Subjects, falsly and seditiously said, That the King was in his Heart a Papist, or Popishly affected; or Words to that effect. III. That he hath receiv'd great Sums of Money for the procuring of the Canary Patent, and other illegal Patents; and granted illegal Injunctions to stop Proceedings at Law against them, and other illegal Patents formerly granted. IV. That he hath advis'd and procur'd divers of his Majesty's Subjects to be imprison'd against Law, in remote Islands, Garisons, and other Places, thereby to prevent them from the Benefit of the Law, and to produce Precedents for the imprisoning any other of his Majesty's Subjects in this manner. V. That he procur'd his Majesty's Customs to be farm'd at Under-Rates, knowing the same; and great pretended Debts to be paid by his Majesty, to the Payment of which his Majesty was not strictly bound; and afterwards receiv'd great Sums of Money for procuring the same. VI. That he receiv'd great Sums of Money from the Company of Vintners, or some of them, or their Agents, for inhancing the Prices of Wines, and for freeing them from the Payment of legal Penalties, which they had incurr'd. VII. That he hath in a short time gain'd to himself a greater Estate than can be imagin'd to be gain'd lawfully in so short a time; and, contrary to his Oath, he hath procur'd several Grants under the Seal, from his Majesty to himself and Relations, of several of his Majesty's Lands, Hereditaments and Leases, to the disprofit of his Majesty. VIII. That he hath introduc'd an arbitrary Government in his Majesty's Foreign Plantations, and hath caus'd such as complain'd thereof before his Majesty and Council, to be imprison'd for so doing. IX. That he did reject and frustrate a Proposal and Undertaking, approv'd by his Majesty, for the Preservation of Nevis, and Saint Christopher's, and reducing the French Plantations to his Majesty's Obedience, after the Commissions were drawn for that purpose; which was the Occasion of our great Losses and Damages in those Parts. X. That he held Correspondence with Cromwell and his Complices, when he was in Parts beyond the Seas, attending his Majesty, and thereby adhered to the King's Enemies. XI. That he advis'd and effected the Sale of Dunkirk to the French King, being part of his Majesty's Dominions; together with the Ammunition, Artillery, and all sorts of Stores there,

there, and for no greater Value than the said Ammunition, Anno 19 Car. II. 1667.

Artillery and Stores were worth. XII. That the said Earl did unduly cause his Majesty's Letters Patent, under the Great Seal of England, to one Dr. Crowther, to be alter'd, and the Enrollment thereof to be unduly rased. XIII. That he hath in an arbitrary way examin'd and drawn into question divers of his Majesty's Subjects concerning their Lands, Tenements, Goods, Chattels and Properties, and determin'd thereof at the Council-Table, and stop't Proceedings at Law by order of the Council-Table, and threatned some that pleaded the Statute of the 17th Car. I. XIV. That he hath caused *Quo Warranto's* to be issued out against most of the Corporations of England, immediately after their Charters were confirm'd by an Act of Parliament, to the intent he might require great Sums of Money for renewing their Charters; which when they comply'd withal, he caus'd the said *Quo Warranto's* to be discharg'd, and Prosecution therein to cease. XV. That he procur'd the Bills of Settlement of Ireland, and receiv'd great Sums of Money for the same in a most corrupt and unlawful manner. XVI. That he hath deluded and betrayed his Majesty and the Nation in all Foreign Treaties, and Negotiations relating to the late War, and betray'd and discover'd his Majesty's secret Councils to his Enemies. XVII. That he was the principal Author of that Fatal Council of dividing the Fleet about June 1666.

After reading these Heads of Accusation, it was moved, That in regard the Articles were many, they might be referr'd to a Committee to see how far they were true, because Fame was too slender a Ground to bring a Man upon the Stage. But this was carry'd in the Negative; and so they proceeded to the reading the Articles singly and separately, and to speak to the Truth or Probability of them. The first Article being read, to see what could induce the House to impeach, Sir Robert Howard and Sir John Vaughan said, they heard from Persons of Quality, that it wou'd be prov'd. As to the second Article, the Lord Saint John said, Persons of great Quality had assur'd him to make it good; and if they did not, he wou'd acquaint the House who they were. Mr. Seymour, as to the third Article, alledg'd that sufficient Persons would make it good, with this additional Saying, So long as the King is King, and I Lord Chancellor, the Patents will stand. The fourth and fifth Articles, * Sir Richard Temple said, divers had undertaken to make good; if they did not, he wou'd name them: and for the receiving Money of the Vintners, † Sir Robert Car said, That he knew who would prove it.

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About

* Commissioner of the Customs.

† Chancellor of the Dutchy.

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About his getting a great Estate so suddenly, Mr. Seymour said, They need not prove that the Sun shone at Noon-day. And Sir Thomas Littleton added, That his Place as Chancellor could not be worth above four or five thousand Pounds a Year. Then, about introducing an arbitrary Government in the Plantations, Sir Thomas Littleton and Sir Thomas Osborn alledg'd, That one Farmer and others came from Barbadoes to complain of it, and lodg'd their Petition in that House, but were imprison'd; that they might not be heard: And, for frustrating Proposals for preserving Nevis, &c. Sir Charles Wheeler said, My Lord-Chancellor only oppos'd it. As to the Sale of Dunkirk, Sir Thomas Osborn said, a great Lord told him, that he had made a Bargain for Dunkirk three Quarters of a Year before it was known. Then, for the Article of sealing Dr. Crowther's Patent, Mr. Streeter said, the King gave a Living to Crowther; that in the Grant there was a Mistake of a County; Crowther finding the Mistake, petition'd the King to mend it: that the King call'd for the Chancellor and Seal, and in the King's Presence it was amended and seal'd. Mr. Thompson said, he should be able to make good the Article of drawing Mens Lands into question: And for *Quo Warranto's* to Corporations, Sir Thomas Littleton said, It was so public a thing that it need not be prov'd. Sir Robert Howard doubted not but the Business about the Settlement of Ireland would be made out; and, for foreign Treaties it would, according to Sir Thomas Littleton, appear by the Treaties themselves, putting them in hopes of Peace, and so hindering the Fleet's setting out. Lastly, Mr. Thompson said, he did not want Persons to make good the Article about the Mis-carriage of the War.

The tenth Article, concerning the Earl's Correspondence with Cromwell, upon a Debate, was found to be within the general Act of Indemnity, and therefore was drop'd and expung'd. And at last the Question being put, Whether the House had sufficient Inducement to impeach, it was carry'd in the Affirmative. So on the 9th of November the first Article being read, a long and learn'd Debate arose, whether to accuse him of Treason upon it; but it was carry'd by a great Majority in the Negative. The second Article was debated, but not voted: The Third and Fourth were soon carry'd against the Earl: The Fifth had the same Fate with the Second: The Sixth, Seventh, Eighth and Ninth, were read and voted. But the Tenth, that of Dunkirk, admitted of a strenuous Debate, and at last was pass'd by, without determining whether it was Treason or not. The Eleventh, Twelfth, Thirteenth and Fourteenth, were carry'd without opposition. As to the Fifteenth, which was

now the last but one, after a Debate it was carry'd to impeach of Treason. Accordingly they resolv'd that Impeachment of Treason, and other Crimes and Misdemeanors, should be carry'd up to the Lords against him by Mr. Edward Seymour : who, on November the 12th, went up to the House of Lords; and the Lord-Keeper Bridgeman being come to the Bar to meet him, he delivered himself to this purpose: 'My Lords, the Commons assembled in Parliament, having been informed of several traitorous Practices, and other Crimes and Misdemeanors committed by Edward Earl of Clarendon, a Member of this honourable House, have commanded me to impeach him: And I do accordingly impeach him of High-Treason, and other Crimes and Misdemeanors, in the Name of the said Commons, and of all the Commons of England. And they have farther commanded me to desire your Lordships to sequester him from Parliament, and to commit him to safe Custody, and in convenient Time they will exhibit Articles against him.'

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They impeach
him of High-
Treason, &c.

But, the Lords being not satisfy'd with a general Way of impeaching the Earl, on the 15th of November sent down to desire a Conference in the Painted-Chamber. At which, without any Debate, the Earl of Oxford deliver'd a Paper to this effect: 'That the Lords had not committed the Earl of Clarendon, because the Accusation was only of Treason in general, without charging him with any thing in particular.' Upon this there arose a warm Debate in the House of Commons, in which Mr. Garraway said, I had rather the House should lose the Punishment of this Man, tho' a great Offender, than that this House should lose its Privilege: For if this House may at no time impeach a Lord without giving in particular Articles, it may fall out at a time (as in the Duke of Buckingham's Case) where a great Man by his Interest with the King procures the Dissolution of the Parliament, and then the Accusation falls.' The Debate ended in a Resolution to appoint a Committee to draw up Reasons to justify what they had done; and which were delivered in three days after: of which this seems to be the principal; 'If before securing the Persons, the special Matter of the Treason should be alledg'd, it would be a ready Course that Complices in the Treason might make their escape, or quicken the execution of the Treason intended, to secure themselves the better thereby.' The Reasons, with divers Precedents to inforce them, were on the 28th communicated at a free Conference: In which the Lords chiefly insisted upon the Petition of Right, where it was provided that none should be committed without special

The Lords dis-
agree with the
Commons.

Who resent it,

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special Cause, whereby the Party might answer according to Law. From whence they inferr'd ' That the Commons Proceedings were contrary to Law, because a general Charge was against the Petition of Right.'

On the 2d of December the Lords confirm'd their Proceedings, and sent down a Message to the Commons by two Judges, to this effect: ' That upon the Report made to them of the last free Conference, they were not satisfy'd to commit or sequester from Parliament the Earl of Clarendon, without the particular Treason were mention'd or assign'd.' This threw the House of Commons into a great Ferment, and occasion'd several warm Speeches, particularly from Mr. Waller and Sir John Vaughan. The former stood up and said, The Lords are a noble Estate, but whatever the matter is, they have of late some Advice given them, which makes them proceed as they never did yet; for scarce any thing happens, but they encroach upon us. The Militia is now as burdensome to the fifty Pound Man in the Country, almost as all other Taxes, and the Lords have gotten this Advantage on us, that they touch not the Burden of it with their Finger: So in the Time of the Plague, the Commons must be shut up, but not They; insomuch that a good Act provided to that purpose passed not. We impeach'd the Lord Mordant, and could not bring him to the Bar, tho' formerly I have known an Earl and a Lord brought thither; you desired a free Conference about it, but could not obtain one to this day. Rome was at first modest, and only meddled with Spirituals, but afterwards concern'd themselves so much with other Matters, that every Thing was made to be *in Ordine ad Spiritualia*, and many Kingdoms thereupon broke from them. The Lords now insist upon one thing, because they say it is in order to their Judicature; perhaps hereafter they will tell us we must come to them on our Knees, because it is in order to their Judgment. Consider therefore whether there be any hope of giving them Satisfaction. Sir John Vaughan was long about Precedents and Law, upon the latter of which the Lords had insisted; and he said, That in the free Conference there was much Discourse about the Great Charter, and of the Statute of the 28 of Edw. III. but not apply'd: So that I thought Law in a Lord's Mouth was like a Sword in a Lady's Hand; the Sword might be there, but when it comes to cut, it would be awkward and useless.— The Conclusion must be; that no Impeachment by the Commons must go on, unless it be by Presentment; and so there is an end of all that for which the Parliament is principally call'd; unless we are Part of those five hundred

Mr. Waller.

Sir J. Vaughan.

con-

contemptible ones, who are only fit to give Money: That may be reserv'd for us, but nothing else.

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On the other side, Mr. Colombine stood up, and thus modestly argu'd in favour of the Lords: 'The Lords say, That Committing upon a general Impeachment was against Law, and he thought would appear so: He deny'd not, but a Mittimus without special Cause might be legal, and grounded upon the Petition of Right; the Reason of which was to secure Men against Commitment by a special Warrant, and a Judge ought not to discharge where Treason was alledg'd: But in this Case it was different, the Judges could not discharge a Man committed after Examination, but the Lords ought not to commit a Man, except there were particular Treason. That if he came before a Justice of Peace, and said I accuse this Man of Treason, would any wise Man commit him? He made his Warrant indeed, but he that accus'd must go farther, and make it more particular, and the special Matter must appear before he commits; and this was the present Case. The common Law was, That no Man ought to be committed without particular Cause; because no Man could commit in capital Matters, without taking Examination before-hand, otherwise no Man could justify a Commitment; Therefore he was not satisfy'd, that the Lords had not Reason to deny it. That the Commons were in the nature of a Grand Jury to present, but the Lords were the Judges: That Commitment was not the Judgment, but in order to it; and the Lords had a discretionary Power in the Case: They said not that they would not commit, but that they were not satisfy'd to do it without special Matter, therefore the Commons ought to send it up. After all the Debate, the House came to this positive Resolution, 'That the Lords, not having comply'd with the Desire of the Commons in committing the Earl of Clarendon, and sequestering him from Parliament upon the Impeachment from that House, was an Obstruction to the public Justice of the Kingdom, and a Precedent of evil and dangerous Consequence: And upon this they appointed a Committee to draw up a Declaration to vindicate their Proceedings.

Mr. Colombine.

About this Time the Earl of Clarendon thought proper to withdraw, and having left an * Apology for his Conduct, addressed to the Lords, that House, upon receiving this Address, on the 3d of December sent a Message to the Commons by two Judges, signifying 'That they had receiv'd a large Petition from the Earl of Clarendon, which intimated that he was withdrawn; and soon after desired a present Conference with them. At which Conference,

The Earl of Clarendon withdraws, and leaves a remarkable Apology.

* His Apology is to be found in Echard.

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ference, the Duke of Buckingham, who was plainly aim'd at in the Petition, deliver'd it to the Commons, and with his usual way of Insult and Ridicule said, 'The Lords have commanded me to deliver to you this scandalous and seditious Paper sent from the Earl of Clarendon: They bid me to present it to you, and desire you in convenient time to send it to them again; for it has a Style which they are in love with, and therefore desire to keep it.'

Sir John
Vaughan.

When the Earl's Address and Apology was read by the Commons, it occasion'd a new Turn, and a new Warmth in the Debates of that House. Sir John Vaughan began with great Fury, and among other things said, 'It is the first time that ever I heard an innocent Man run away under the greatest Charge, with Hopes to return again and vindicate himself. Mark one Expression; he says, he is as far from Corruption, as he is from Disloyalty: If he had said he was guilty of neither, he had said something, but by that Expression he may be guilty of both. So insolent a Paper I never met with in this Kingdom, nor have I ever heard the like in any other: So inconsiderable a Part of the Nation as he is, to lay it upon the Nation, who, if innocent, might defend himself; if guilty, why does he charge the Nation with persecuting? Therefore, without troubling ourselves with it, do as the Lords have done, who, deliver'd it to us as a scandalous and seditious Paper; it has Malice in it, and is the greatest Reproach upon the King and the whole Nation, that ever was given by Man.' Therefore in conclusion he put the Question, Whether the Paper should be voted scandalous and malicious, and a Reproach to the Justice of the Nation? Which was carry'd in the Affirmative. Sir Robert Howard mov'd that it should be burnt by the Common-Hangman; but that was oppos'd, because the Lords desir'd the Paper to be return'd; yet still at last that was carry'd also in the Affirmative.

The Lords send
down a Bill to
banish the Earl.

On the 13th of December, a Bill was sent down from the Lords for the Banishment of the Earl of Clarendon. Upon the reading of which, several Objections were made; and it being alledg'd, That it was an Abuse put upon the Commons by the Lords, and that a Bill of Attainder being propos'd, after some Debate the House pass'd this Vote; 'Resolved, That, this House taking notice of the Flight of the Earl of Clarendon, being under an Impeachment of High-Treason by this House, the King's Majesty be humbly desired to issue out his Proclamation for summoning the said Earl to appear by a Day, and to apprehend him in order to his Tryal: And that the Lords be sent to for their Concurrence in this Vote.' But the Lords, would
not

not concur: and on the following Day deliver'd their Reasons, and particularly declared, 'That their Lordships upon Consideration of the whole State of Affairs, and of the Kingdom, have, upon Grounds of Prudence and Justice, thought fit, for Security of King and Kingdom, to proceed in a Legislative way against the said Earl; and have to that end pass'd and sent down a Bill of Banishment and Incapacity against him; with which their Vote was inconsistent.' This brought on a Debate concerning the Bill of Banishment, which some thought too little for the Crimes alledg'd, and others too great for the Cause in hand. Mr. Swinford spoke his mind freely, and among other things said, 'The Lords will neither secure nor summon him, but will condemn him unheard; and this they put you upon, which is against Honour and Justice, especially to do it upon Reason of State. The Power of Parliaments is indeed great; it hath no Bounds but the Integrity and Justice of Parliaments. If Reason of State be a Motive of Parliament to banish one Man, so it may be for many. If you go in this Legislative way, you bring upon your selves all the Dishonour of the Business; but the Lords will have some Excuse, which you cannot; for they look'd upon the Charge so slight, as not to imprison him. The Party is gone, apprehending, he says, the Fear of the Multitude, not of his Tryal: so the Lords not giving Credit to your Charge against him, he says, He flies not from Justice. Now, if upon this Bill you should banish him, it would be said, you could not make good your Charge, and therefore laid this Sentence upon him. The Precedent is also dangerous, if, having gone so far in a Judicial way, you should now go in a Legislative. If, upon Reason of State, Lords might be banish'd, it may be by Dozens: As you proceed justly, so you will be justified. After several Speeches on the 18th of December the Bill was read a third time in a thin House, and the Question being put for passing it, sixty-five were for it, and forty-two against it.

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Mr. Swinford

The Bill pass'd

On the 19th, the King by Commission pass'd that, and four other Bills, viz. 1. An Act for taking the Accounts of the several Sums of Money therein mentioned. 2. An Act for assigning Orders in the Exchequer without Revocation. 3. An Act to make Prize-Ships free for Trade. And, 4. An Act for settling Freedom and Intercourse of Trade between England and Scotland. Immediately after, Mr. Secretary Morrice delivered this Message from the King to the House of Commons; 'His Majesty having by a former Message acquainted you, That he intended an Adjournment to the Beginning of February; he doth now conceive, That Thursday the 6th of February is a convenient Day to

Acts passed, and the Parliament adjourn'd for seven Weeks

Anno 18 Car. 11.
1687.

which such an Adjournment may be made: And his Majesty is willing to adjourn to that time. Accordingly the Parliament broke up, after it had sat a little above two Months, and without any Prorogation had now a Recess of above seven Weeks.

February 10. Both Houses met again at Westminster; when his Majesty made the following Speech from the Throne:

The King's
Speech to both
Houses.

My Lords and Gentlemen,

I Am glad to see you here again, to tell you what I have done in this Interval, which I am confident you will be pleas'd with, since it is so much for the Honour and Security of this Nation. I have made a League defensive with the States-General of the United Provinces, and likewise a League for an efficacious Mediation of Peace between the two Crowns of France and Spain; into which League, that of Sweden, by its Ambassador, hath offer'd to enter as a Principal.

I did not at our last Meeting move you for any Aid, tho' I lie under great Debts contracted in the last War; but now the Posture of our Neighbours abroad, and the Consequence of the new Alliance, will oblige me, for our Security, to set out a considerable Fleet to Sea this Summer; and because I must build more great Ships, and it is as necessary, that I do something in order to the fortifying some of our Ports: I have begun something my self in order to these Ends; but if I have not your speedy Assistance, I shall not be able to go through with it. Wherefore I do earnestly desire you to take it into your speedy Consideration; for the loss of a little time now may beget a Prejudice not to be repaired. And for the settling a firm Peace, as well at home as abroad, one thing more I hold my self oblig'd to recommend to you, at this present; which is, That you would seriously think of some course to beget a better Union and Composure in the Minds of my Protestant Subjects in Matters of Religion; whereby they may be induced not only to submit quietly to the Government, but also chearfully give their Assistance for the Support of it.

The Commons deferred the Consideration of this Speech till after the Committee, appointed to enquire into the Miscarriages of the late War, had given in their Reports. In order to which the Duke of Albemarle, Prince Rupert, and even the Duke himself, laid each his own Account before them. That of the Duke of Albemarle being as follows:

I went early on Tuesday the 11th of June to Chatham, where I found scarce Twelve of eight hundred Men, which were

Duke of Albemarle's State of the Affair at Chatham.

were then in the King's Pay, in his Majesty's Yards; and those so distracted with Fear, that I could have little or no Service from them. I had heard of thirty Boats, which were provided by his Royal Highness; but they were all, except five or six, taken away by those of the Yards, who went themselves with them, and sent and took them away by the Example of Commissioner Pett, who had the chief Command there, and sent away his own Goods in some of them. I found no Ammunition there, but what was in the Monmouth; so that I presently sent to Gravesend for the Train to be sent to me, which got thither about two of the clock next Day. After I had dispatch'd this Order, I went to visit the Chain, which was the next thing to be fortify'd for the Security of the River; where I found no Works for the Defence of it. I then immediately set Soldiers to work for the raising of two Batteries, for there were no other Men to be got; and when I employ'd them in it, I found it very difficult to get Tools; for Commissioner Pett would not furnish us with above thirty, till by breaking open the Stores we found more. I then directed Timber and thick Planks to be sent to the Batteries and Guns also, that they might be ready to be planted as soon as the Batteries were made; and in the next place I sent Captain Wintour with his Company to Upnorse-Castle, which I took to be a Place very fit to hinder the Enemy from coming forwards, if they should force the Chain: And upon further consideration, tho' I had Horse near the Fort, lest the Enemy should land there, I commanded Sir Edward Scot, with his Company, for a further Strength of the Place; and gave him the charge of it, with Orders to let me know what he wanted for the Security thereof.

Having thus provided for Upnorse, I consider'd where to sink Ships without the Chain, next to the Enemy, as a further Security to it. I found five Fire-ships, and the Unity upon the Place; and advising with Commissioner Pett, and the Master of Attendance, and the Pilot, how to do it; Pett told me, It was their opinion, that if three Ships were sink at the narrow Passage by the Musclee-Bank, the Dutch Fleet could not be able to come up: And I, relying upon their Experience who best knew the River, gave orders accordingly for the doing of it. But when this was done, they said they wanted two Ships more, which I directed them to take and sink. After this, I order'd Sir Edward Spring to take a Boat and sound whether the sinking of those would sufficiently secure the Passage; which he did, and found another Passage (which the Pilot and Master of Attendance had not before observ'd) that was deep enough for more Ships to come in: I thereupon resolv'd to sink some Ships within the Chain, and provide some against there

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1667.

should be occasion. I went then to look after the other Ships and Batteries, and to see the Men and all things ready; but I found the Guns, which I had before order'd to be there, not yet come down; and instead of thick, oaken Planks, (of which there was good store in the Yards, as it afterwards appear'd) the Commissioner would only send Planks of Deal, saying, he had no other; which prov'd very prejudicial in the Use of them: For they were so weak, that at every shot the Wheels sunk through the Boards, which put us to a continual trouble to get them out.

About Noon, before the Batteries were quite rais'd, the Enemy came on to the Place where our first Ships were sunk: I went on board the Monmouth with fifty Volunteers, and appointed Soldiers in other Ships to make the best defence we could, if they had proceeded; but they were so incumber'd before they could clear the way through the sunk Ships, and find another Passage, that the Tide was spent, and therefore they made no further advance that day; whereby we had time to consider what to do against the next Attempt. There were two Ships order'd to lie within the Chain, to be ready to sink, if occasion should be: And wanting one Ship more to sink in the middle between these two Ships, I that Night order'd the *Sancta Maria*, a great Dutch Prize, to be sunk in the deepest Place between the two foresaid Ships; and I judg'd it so necessary to be done, that I charg'd Commissioner Pett, and the Master of Attendance, on peril of their Lives, to do it by Morning; they having time enough before the Tide serv'd to provide things to carry her down. Commissioner Pett, who had receiv'd Orders from his Royal Highness on the 26th of March to remove the Royal Charles above the Dock, had, for about nine or ten Weeks, neglected those Orders: And, when I was getting all the Boats I could (for I wanted many) for carrying Materials for the Batteries, and Ammunition and Soldiers for the Defence of all our Places, he came and told me, He would carry her up that Tide, if he might have Boats, which I could not then spare: For if they were gone, all our Batteries must have been neglected, and I could not transport the Timber, Powder and Shot, and Men to them, to resist the Enemy the next day. And beside, it was advis'd at that instant, if the Dutch should have landed in the Marsh by the Crane, she might have been useful and have hinder'd them; having Guns on board. Nevertheless, having notice shortly after, that there was neither Sponge, Ladle, Powder nor Shot in her, I sent Captain Millet, Commander of the Matthias, about ten in the Morning, with Orders to Commissioner Pett to carry her up as he could the next Tide; who pretended he could not then do

it, because there was but one Pilot that would undertake it, *Anno 10 Car. II.*
 and he was employ'd about sinking of Ships. And seeing *1667.*
 she was not remov'd in the Morning, I myself spoke to Com-
 missioner Pett in the Evening, in the presence of Colonel
 Mac-Noughton and Captain Mansfield, to fetch her off that
 Tide; but notwithstanding these Orders, the Ship was not
 remov'd, but lay there till the Enemy took her. On the
 same Morning, by break of Day, I went to see what was
 done about the Sancta Maria, and found Men towing her
 along to the place intended, and they had Time enough to
 do their Business: But soon after I had dispers'd my Orders
 to the Ships, I look'd and saw the Sancta Maria, by the
 Carelessness of the Pilots and Masters of Attendance, was
 run on ground, at which I was much troubled: For if that
 Ship had been sunk in the Place where I appointed, the
 Dutch Ships cou'd not have got beyond those of ours sunk
 within the Chain, and thereby none of the King's Ships
 within could have been destroyed, in regard that our Guard-
 Ships within our Batteries wou'd have hinder'd them from
 removing our sunk Ships.

About ten a clock on Wednesday, the Enemy came on
 with Part of their Fleet, and two Men of War, five or six
 Fireships, and some other Men of War seconding them.
 They first attempted the Unity, which was plac'd on the
 Right-Hand close without the Chain to defend it; and they
 took Her; and one of their Fireships struck upon the Chain,
 but it stop'd it. Then came another great Fireship, and
 with the Weight of the two the Chain gave way; and then
 the Ships came on in that very Passage where the Sancta
 Maria shou'd have been sunk. They burnt the two Guard-
 Ships, and took off the Royal Charles, wherein the Gunners
 and Boat-Swain did not do their Duty in firing her, tho' they
 say they attempted it twice, but the Fire did not take. This
 was all that I observ'd of the Enemies Action on Wednesday.
 Our next care was to provide against the Tide which serv'd
 the next Day: I enquir'd what had been done by Sir Edward
 Scott at Upnore, and sent him as many of those Things he
 needed as I cou'd get Boats to carry them to him, and sent
 likewise a Company more than was formerly order'd, to re-
 inforce the Place in case of Landing; and then directed
 three Batteries to be made in the King's Yard; but cou'd
 not get a Carpenter, but two that were running away. I
 also planted that Night about fifty Cannon in several Places,
 besides those that came with the Train of Artillery, which
 were also planted; I staid all Night in the Place with the
 Men, and having no Money to pay them, all I could do or
 say was little enough for their Encouragement: for I had
 no Assistance from Commissioner Pett, nor no Gunners or
 Men

Jan 19. 1667. Men to draw on the Guns, except the two Masters of Attendance.

On Thursday Morning betimes, Upmore was in a pretty good Condition, and our Batteries ready: I got some Captains of Ships and other Officers, Sea-Volunteers, and others that came to me, to ply the Guns; and other Land-Volunteers did assist them to draw them on the Batteries. About Noon the Enemy came on again with two Men of War, and two Fireships, and some more Men of War following them: The first two anchored before Upmore, and play'd upon it, whilst the Fireships pass'd by to the Great James, the Royal Oak, and the Loyal London. The two first Fireships burnt without any Effect; but the rest went up and burnt the three Ships mention'd: And if we had had but five or six Boats to cut off the Boats of the Fireships, we had prevented the burning of those Ships; but those being burnt, as soon as the Tide turn'd, they went back, and made no further Attempt. I had, in the Morning before this Action, receiv'd his Majesty's Command to return to London; but I thought it most for his Service to stay till the Attempt was over: And then, having left upon the Place the Earl of Carlisle, and the Earl of Middleton to command there till further Order, I came away about eight in the Evening, and by two in the Morning arriv'd at London.

Some Miscarriages voted.

From this and other Examinations, the Commons discover'd and voted several Miscarriages in the late War, and particularly in the Expedition at Berghen; in the plundering the East-India Ships while the Dutch pass'd by; in the not sending out a sufficient Fleet last Year; in the separation of those that were out, so that they became useless; in the want of Provision and Ammunition in the Fleet, and in the Forts; in Payment of the Sea-Men by Tickets; in the want of Intelligence, and dividing the Fleets in the second Year of the War; in the Business of Chatham, &c. And they particularly resolv'd, 'That, notwithstanding his Majesty had eighteen thousand Men in Pay, in dispersed Ships in the Year 1667, there was not a sufficient Number of Ships left to secure the Rivers Medway and Thames.' They strictly examin'd into one Miscarriage as to the first Battle against the Dutch, in which it appear'd, 'That if the Orders of the Duke of York had been strictly observ'd, as they ought, in that Engagement, the whole Fleet of the Enemy had probably been destroy'd.' For this, Mr. Brunkard, a Member of the House, was accus'd of giving false Orders to Sir John Hatman to slacken Sail, while the Duke was reposing himself, and when they were pursuing the Enemy with the utmost Advantage; for which Mr. Brunkard was both expell'd the House, and order'd to be impeach'd.

The

The Miscarriage at Chatham was so conspicuous, that they thought they could do no less than impeach Commissioner Pett for so great a Delinquency in that Affair: Accordingly they drew up Articles against him to this effect: ' I. That the said Peter Pett, being a Commissioner especially authoriz'd and entrusted with the Care of his Majesty's Yards, Stores and Provisions of the Royal Navy at Chatham, and having received Orders from the Duke of York about the 26th of March last, requiring him to bring up and moore his Majesty's Ship, the Royal Charles, and other Ships, did wilfully neglect and refuse so to do; whereby the said Ships were lost, and became a Prey to the Enemy. II. That his Majesty having upon the 11th of June last appointed the Duke of Albemarle to repair to Chatham, to secure all things against the Invasion of the Dutch; he the said Duke found the Royal Charles not brought up, but lying below in a Place of Danger; and having given Orders to the said Pett to cause the said Ship to be brought up as high as could be into a place of Safety, the said Pett neglected the doing thereof. III. That Captain Brooks, one of his Majesty's Attendants at Chatham, knowing that the Duke had given express Orders to cause the Royal Charles to be brought up, did prepare Anchors and other Tackling ready for the same; and desir'd the said Pett to give Orders for his so doing, which he refus'd to do. IV. That the Duke of York having given Orders to the said Pett to provide thirty Boats for the Defence of the River and Navy, he did not only himself misemploy some of the said Boats for the removing some of his particular Goods, but suffer'd the rest to be likewise misemploy'd, and did also seize a boat belonging to Sir Edward Spragg; so, for want of these Boats, many of his Majesty's Ships were lost, and the Security of the rest hinder'd. V. That the Commissioners of his Majesty's Navy, having signify'd to him on the 4th of June, that the Dutch were out, and given him special Charge to command all Captains on Land to their Ships, and to be vigilant in the rest of the Charge committed to him; he was so negligent, that of eight hundred Persons, which were under his Care and Command, when the Duke of Albemarle repaired thither, there were not above ten ready upon the Invasion of the Enemy. VI. That the said Duke, having appointed Soldiers to raise Batteries for the Defence of the Navy, He, to obstruct the Service, refused to give them the Number of Tools required, notwithstanding he had a sufficient Quantity in his Majesty's Stores, as it appear'd when those Stores were broke open. VII. That the said Duke having sent Orders to him to send out of his Majesty's Yards some Oaken Planks for his Platforms and Batteries, he sent only Deal Boards, which were prejudicial

Ann. 200. M.
1667. 8.

Commissioner
Pett impeach'd.

Anno 1668. Car. II. prejudicial to the Service, notwithstanding that there were in his Majesty's Yards several Oaken Planks fit for that Service.' For all which Crimes and Misdemeanors they demanded Justice and condign Punishment, &c. at the Bar of the Lords.

**And likewise
Sir William
Penn.**

Not satisfied with this Impeachment, by means of some Discoveries and Informations, the Commons found and singled out Sir William Penn, another of his Majesty's Commissioners, and drew up Articles against him to this Purpose: ' I. Whereas in September 1665, the Golden Phoenix, and the Slothany, two Dutch Ships, were taken at Sea as Prize, by his Majesty's Fleet under the Earl of Sandwich, in which the said Sir William Penn was then Vice-Admiral; he the said Sir William, contrary to his Duty, &c. did conspire with several Persons to open the Holds of the said Ships, before Judgment pass'd in the Admiralty Court, and from thence imbezzled great Quantities of rich Goods, whereby his Majesty was defrauded of above an hundred and fifteen thousand Pounds. II. The said Sir William, in pursuance of the Conspiracy, did about the same time repair on board the Prize-Ship the Slothany, with Sir William Berkley, Vice-Admiral under his Command, and did there give Orders to Captain Waerden, to whose Charge the said Ship was committed, to follow the Directions of Sir William Berkley; who thereupon broke open the Hold of the said Ship, and took out several rich Goods of great Value, after it was clos'd and seal'd up, and by the Assistance of Sir William Penn, who sent several Men on board for that purpose. III. He the said Sir William got a considerable Part of the Goods into his possession, and shortly after did sell divers Parcels of the said Goods, and further warranted the Sale thereof. IV. The better to colour the said Fraud and Imbezzlement, Orders were obtain'd from the Earl of Sandwich for distributing some part of the said Goods among several Officers, whereof Sir William was Chief, to be submitted, as was pretended, to his Majesty's further Pleasure, tho' Sir William well knew the Orders of the Earl of Sandwich were void in every respect; And afterwards a Warrant for distributing the Goods was duly procured from his Majesty; whereas the said Sir William had, before that, possess'd himself of divers of the Goods; and, over and above, did dispose of a further quantity of Goods than was contain'd in the Orders of the Earl of Sandwich, or his Majesty's Warrant, to the Value of above two thousand Pounds.' For all which Crimes and Misdemeanors the Commons likewise demanded Judgment, &c. of the Lords.

Mean

Mean while; the King, believing these Proceedings and Impeachments retarded the Supplies he had demanded, sent no less than three Messages, to bring back the Stream of Business to his own favourite Channel; the first of which, was in these Words: 'His Majesty hath been unwilling,

Anno 20th Car. II.
1668.

hitherto to interrupt you in your Proceedings; but, considering the Posture in which his Neighbours now are, and that the Spring is already so far advanc'd, and that his Allies (as they have great Cause) press his Majesty to hasten his Preparations, he holds it absolutely necessary, in respect of the Safety as well as the Honour of the Nation, that a Fleet be set forth, with all speed, and that Course, be taken for fortifying his Ports, and building more Ships: And therefore he doth again earnestly recommend it to you, forthwith to provide for such a Supply as these Occasions shall require: And because you have not yet had Satisfaction upon the Bill of Accounts of the former Supply, his Majesty is very willing that this be collected and illu'd for those Purposes, by such Persons only as you shall think fit.

The King's Messages to the Commons, to hasten the Supply.

The second and the third Message were only to enforce this; only in the last he let them know that he design'd to put a period to this Session on the 4th of May. But finding this Design not so well relish'd, he sent a fourth Message to them on the 24th of April, in these Words: 'His Majesty by his former Message thought fit to acquaint you, That he intended the present Session of Parliament should determine on the 4th of May; but, finding the Proceedings in many important Businesses, now under agitation, would be lost, if there should be a Session; and that many things not yet foreseen may happen to induce him to call you together again before Winter, hath now thought fit to acquaint you, That he intends only, an Adjournment for three Months; and desires you therefore to perfect the Bills for Supplies, and such others as may be made ready by the said 4th of May, so that he may then give his royal Assent to them before the Adjournment.' The House notwithstanding proceeded with the Business that lay before them; and especially the Informations they receiv'd from some Counties, particularly Staffordshire, of the insolent Carriage and Abuses committed by Persons in several Places, in interrupting and disturbing of Ministers in their Churches, and holding Meetings contrary to Law. In consequence of which, after a solemn Debate and Resolution, they made and presented an humble Petition to his Majesty, 'That he would issue out his Proclamation for enforcing the Laws against Conventicles; and that Care might be taken for the Preservation of the Peace against all unlawful Assemblies of Papists and Nonconformists.' The King

Another Message.

thought

They petition the King for a Proclamation against Conventicles.

Anno 20 Car. II.
1688.

A Difference
between the
two Houses.

thought himself oblig'd to comply with his Commons, and accordingly gave this Answer; ' I will issue forth my Proclamation according to your desire; adding withal, And ' I do not doubt but you will take the second Part of my ' Speech into Consideration, according to the Vote.'

About this time, a Difference happen'd between the Lords and Commons, occasion'd by Mr. Skinner a considerable Merchant of London, who, having receiv'd great Damages from the East-India Company, had brought the Matter by Petition into the House of Lords originally, by whom he was reliev'd in 5000 Pounds Cost. The Commons hearing of this, after a Debate, came to these Votes and Resolves on the 2d of May: ' 1. That the Lords taking cognizance of the Matter set forth and contain'd in the Petition of Thomas Skinner Merchant, against the Governor and Company of Merchants trading to the East-Indies, concerning the taking away the Petitioner's Ship and Goods, and assaulting his Person, and their Lordships over-ruling the Plea of the said Governor and Company, the said Cause coming before their House originally, only upon the Complaint of the said Skinner, being a Common-Plea, is not agreeable to the Law of the Land; and tending to deprive the Subject of his Right, Ease and Benefit due to him by the said Laws. 2. That the Lords taking cognizance of the Right and Title of the Island in the Petition mention'd, and giving Damages thereupon against the said Governor and Company, is not warranted by the Laws of this Kingdom. 3. That the said Thomas Skinner, in commencing and prosecuting a Suit by Petition in the House of Lords against the Company of Merchants trading to the East-Indies (wherein several Members of this House are Parties concern'd with the said Company, in particular Interests and Estates) and in procuring Judgment therein, with Directions to be serv'd upon the Governor, being a Member of this House; or upon the Deputy-Governor of the said Company, is a Breach of the Privilege of this House.' In conclusion, they order'd the said Mr. Skinner, for so acting, to be taken into Custody of the Serjeant at Arms.

The Votes of
the Commons
upon it.

The East-India Company having petition'd the Commons, as well as Mr. Skinner had the Lords; the Commons after their three Votes, further Resolved, ' That the Petition of the Merchants trading to the East-Indies, and the two first Votes of this House now passed, relating to the Jurisdiction of the Lords, be deliver'd by a Message to the Lords Bar, with Reasons for enforcing the said Votes.' This occasion'd two or three Conferences with the Peers; in one of which, the Duke of Buckingham deliver'd the following Speech:

Gentlemen

“ Gentlemen of the House of Commons, I am commanded by the House of Peers, to open to you the matter of this Conference; which is a Task I could wish their Lordships had been pleased to lay upon any body else, both for their own sakes and mine: Having observed, in that little Experience I have made in the World, there can be nothing of greater difficulty, than to unite Men in their Opinions, whose Interests seem to disagree.

“ This, Gentlemen, I fear is at present our Case; but yet I hope when we have a little better considered of it, we shall find that a greater Interest does oblige us, at this time, rather to join in the Preservation of both our Privileges, than to differ about the Violation of either.

“ We acknowledge it is our Interest to defend the Right of the Commons, for should we suffer them to be oppressed, it would not be long before it might come to be our own Case; and I humbly conceive it will also appear to be the Interest of the Commons, to uphold the Privilege of the Lords, that so we may be in a Condition to stand by and support them.

“ All that their Lordships desire of you upon this Occasion, is, That you will proceed with them as usually Friends do, when they are in dispute one with another; that you will not be impatient of hearing Arguments urged against your Opinions, but examine the weight of what is said, and then impartially consider which of us two are the likeliest to be in the wrong.

“ If we are in the wrong, we and our Predecessors have been so for these many hundreds of Years, and not only our Predecessors, but yours too: This being the first time that ever an Appeal was made, in point of Judicature, from the Lords House to the House of Commons. Nay, these very Commons, which turned the Lords out of this House, though they took from them many other of their Privileges, yet left the constant Practice of this till the very last day of their Sitting; and this will be made appear by several Precedents these noble Lords will lay before you, much better than I can pretend to do.

“ Since this Business has been in agitation, their Lordships have been a little more curious than ordinary, to inform themselves of the true Nature of these Matters now in question before us; which I shall endeavour to explain to you as far as my small Ability, and my Aversion to hard Words, will give me leave: for howsoever the Law, to make it a Mystery and a Trade, may be wrapt up in Terms of Art, yet it is founded in Reason and is obvious to common Sense.

Annals of the House of Commons.
1658.

Duke of Buckingham's
Speech, at a
Conference
with the Com-
mons.

Ans to Ser. H.
1668.

The Power of Judicature does naturally descend, and not ascend; that is, no inferior Court can have any Power which is not derived to it from some Power above it.

The King is by the Laws of this land, Supreme Judge in all Causes Ecclesiastical and Civil. And so there is no Court, high or low, can act but in subordination to him; and though they do not all issue out their Writs in the King's Name, yet they can issue out none but by virtue of some Power they have received from him.

Now every particular Court has such particular Power as the King has given it, and for that reason has its Bounds: But, the highest Court in which the King can possibly sit, that is, his supreme Court of Lords in Parliament, has in it all his judicial Power, and consequently no Bounds, I mean no Bounds of Jurisdiction; for the highest Court is to govern according to the Laws as well as the lowest.

I suppose none will make a question, but that every Man and every Cause is to be tried according to Magna Charta; that is, by his Peers, or according to the Laws of the Land. And he that is tried by the Ecclesiastical Courts, the Court of Admiralty, or the high Court of Lords in Parliament, is tried as much by the Laws of the Land, as he that is tried by the King's Bench, or Common-Pleas.

When these inferior Courts happen to wrangle among themselves, which they must often do by reason of their being bound up to particular Causes, and their having all equally and earnestly a Desire to try all Causes themselves, then the supreme Court is forced to hear their Complaints, because there is no other Way of deciding them. And this, under favour, is an original Cause of Courts though not of Men.

Now, these original Causes of Courts, must also of necessity induce Men, for saving of charges, and dispatch sake, to bring their Causes originally before the Supreme Court. But then the Court is not obliged to receive them, but proceeds by Rules of Prudence, in either retaining or dismissing them as they think fit.

This is, under favour, the Sum of all that your Precedents can shew us, which is nothing but what we practise every day; that is, that very often, because we would not be molested with hearing too many particular Causes, we refer them back to other Courts; and all the Argument you can possibly draw from this, will not, in any kind, lessen our Power, but only shew an Unwillingness we have to trouble ourselves often with Matters of this Nature.

Nor will this appear strange, if you consider the Constitution of our House, it being made up partly of such whose Employments will not give them Leisure to attend the hearing

ing of private Causes, and entirely of those that can receive no Profit by it. Ann^o 20 Car. II.
1668.

And the truth is, the Dispute at present is not between the House of Lords and the House of Commons, but between us and Westminster-Hall. For as we desire to have few or no Causes brought before us, because we get nothing by them, so they desire to have all Causes brought before them for a Reason a little of the contrary Nature.

For this very Reason, it is their Business to invent new ways of drawing Causes to their Courts, which ought not to be pleaded there. As for Example, this very Cause of Skinner that is now before us (and I do not speak this by rote, for I have the Opinion of a reverend Judge in the Case, who informed us of it the other day in the House) they have no way of bringing this Cause into Westminster-Hall but by this Form; the Reason and Sense of which I leave you to judge of.

The Form is this, that, instead of speaking as we ordinary Men do that have no Art, that Mr. Skinner lost a Ship in the East-Indies; to bring this into their Courts, they must say, that Mr Skinner lost a Ship in the East-Indies, in the Parish of Islington, in the County of Middlesex.

Now some of us Lords, that did not understand the Refinement of this Style, began to examine what the Reasons of this should be; and so we found, that, since they ought not by right to try such Causes, they are resolved to make bold, not only with our Privileges, but the very Sense and Language of the whole Nation.

This I thought fit to mention, only to let you see that this whole Cause, as well as many others, could not be try'd properly in any Place but at our Bar; except Mr. Skinner would have taken a fancy to try the Right of Jurisdictions between Westminster-Hall and the Court of Admiralty, instead of seeking Relief for the Injuries he had received, in the Place only where it was to be given him.

One thing I hear is much insisted upon, which is the Tryal without Juries; to which I could answer, that such Tryals are allowed of in the Chancery and other Courts, and that when there is Occasion for them we make use of Juries too, both by directing them in the King's-Bench, and having them brought up to our Bar.

But I shall only crave leave to put you in mind; that if you do not allow us in some Cases to try without Juries, you will then absolutely take away the Use of Impeachments, which I humbly conceive you will not think proper to have done at this Time.

In the Close of this Conference, the Lords declaring the Company's Petition to the other House scandalous, &c. this rais'd

Annos. Car. II.
1685.

The Votes of
the House in
opposition to
the Lords,

rais'd such a Ferment there, as produc'd the following new Votes and Resolves; as, 1. 'That the Petition of the East-India Company to this House, touching the Proceedings of the House of Lords, in the Case of Thomas Skinner, is not scandalous. 2. That the Delivery of the said Petition of the East-India Company to the House, and the Entertaining thereof, and the Proceedings and Votes of this House thereupon, was no Breach of the Privilege or Encroachment upon the Jurisdiction of the House of Lords; but very proper and fit for this House, without Breach of the said Correspondence, which ought to be between the two Houses. 3. That a Message be sent to the Lords to acquaint them, That this House doth take notice of the Desire of the Lords at the last Conference, For a good Union to be kept between both Houses: And it is the opinion of this House, that the best Expedient to preserve such an Union is, That all Proceedings be forborn upon the Sentence and Judgement of the Lords in the Case of Thomas Skinner against the East-India Company; and that Sir Andrew Riccard, Sir Samuel Barnardiston, Mr. Rowland Gwyn, and Mr. Christopher Bone be set at liberty; this House being unsatisfied with their Lordships Reasons offer'd at the last Conference.' Last of all, after a long Debate, they resolv'd, 'That whosoever shall be aiding or assisting in putting in execution the Order or Sentence of the House of Lords, in the Case of Thomas Skinner against the East-India Company, shall be deem'd a Betrayer of the Rights and Liberties of the Commons of England, and an Infringer of the Privileges of this House.

Acts pass'd.

They had no sooner finish'd this Vote, which was on the 8th Day of May, but the King, by the Usher of the Black-Rod, sent for them to the House of Peers, where he pass'd these following public Bills: 1. An Act for raising Three Hundred and Ten Thousand Pounds, by an Imposition on Wines and other Liquors. 2. An additional Act against the Importation of Foreign Cattle. 3. An Act for proceeding to Judgment on Writs of Error brought in the Exchequer. 4. An Act for giving liberty to buy and export Leather, and Skins tanned or dressed. 5. An Act for the better Payment of Monies received for the Use of the Crown. 6. An Act for the Increase and Preservation of Timber within the Forest of Dean. 7. An Act to regulate the Trade of Silk-throwing. Having pass'd these, and some private Bills, his Majesty declar'd, 'That it was his pleasure, that the two Houses be adjourn'd till the 1st of August; that, if he could so order his Affairs, that they might forbear their assembling at that time, when their being in the Country would be so necessary for their private Occasions, he

'he would give timely Notice, that they might spare Attendance.' *Mr. Bridgeman's*

On the 19th Day of October the Parliament met, after a long Intermission and Recess of one Year, five Months, and ten Days. *The Ninth Session of the Second Parliament.*

His Majesty, having ascended the Throne with the usual Solemnity and Order in the House of Lords, and being attended by the House of Commons and their Speaker, deliver'd himself in this short Speech :

'My Lords and Gentlemen,

'I Am very glad to see you here at this time; and I hope this will be a happy Session : For I have had great experience of your Affections and Loyalty to me, and am very confident of the Continuance of it. It is now almost a Year and a half since your last Sitting : And tho' my Debts have press'd me much, yet I was unwilling to call for your Assistance till this Time : What you gave last, was wholly employ'd to the Navy, and that extraordinary Fleet for which it was intended. I desire that you would now take my Debts effectually into your Consideration. Something I have to propose to you of great Importance; concerning the uniting of England and Scotland, but it will require some length; and I have left that, and some other things, to the Lord-Keeper, to open them more fully to you.'

The King's Speech to both Houses.

Accordingly the Lord-Keeper Bridgeman made the following Speech : 'My Lords, and you the Knights, Citizens, and Burgesses of the House of Commons, his Majesty in his most gracious Speech hath express'd his great Satisfaction in seeing you here at this time; and his Hopes of a happy Issue of this Meeting : To obtain which, nothing can induce more than a good Correspondency and Union among your selves. He hath reason to believe, that you all come with the same common Affections for the general Good, and therefore persuades himself, there will be no Difference between the two Houses; but, if there should be any such, he earnestly recommends it to you, that, by your Moderation and Wisdom, such Expedients may be found out, as may compose them, and that thereby no Delay or Obstruction be to your other Proceedings. His Majesty hath also desired you to take his Debts effectually into Consideration. I need not mention to you the Uneasiness of his Condition with that Burden; nor the Inconveniencies or Mischiefs which might fall out, if he should continue under it. It is not unknown to you, that his Majesty hath been a happy Instrument

The Lord-Keeper Bridgeman's Speech.

Agnes 31. Can. 11
18 1869

Agreements, by the Treaty of Aix, and by the Triple-Alliance, to procure Peace between the two Neighbouring Crowns : The securing of that Peace (wherein our own Peace is concern'd, and his Majesty's Reputation abroad) will also much depend upon your Kindness to him: And therefore he hopes you will consider of how great an importance it is at this time, that his Majesty be enabled to bear such a Part in the Affairs of Europe; as may contribute most to his own Honour, and the Safety, Benefit and Glory of this Nation.

My Lords and Gentlemen, you may remember that, upon his Majesty's Recommendation, an Act was lately made for settling Freedom and Intercourse of Trade between England and Scotland, which was occasion'd upon Complaints of new Duties impos'd in each Kingdom upon divers Commodities of the Growth, Production, or Manufacture of the other. According to this Act, Commissioners were appointed by his Majesty for both Kingdoms to treat upon that Affair; and they had several Meetings, which produc'd no Effect, unless it were a Conviction of the Difficulty, if not Impossibility of settling it in any other way than by a nearer and more compleat Union of the two Kingdoms. His Majesty is fully persuaded that nothing can tend more to the Good and Security of both Nations, than such an Union; and finds that his Royal Grandfather King James, of blessed Memory, went so far on towards this good Work, that, by an Act of Parliament in the first Year of his Reign, Commissioners were authorized to treat and consult with Commissioners from Scotland concerning it. And in pursuance of their treating, in the fourth Year of his Reign, an Act was made for the Repeal of hostile Laws, and the Abolition of the Memory of Hostility between the two Nations: And after the End of that Session, about the seventh Year of his Reign, it was by the Judges of all the Courts at Westminster-Hall solemnly adjudg'd in the Case of the *Post-Nati*, That those who, after the Descent of the Crown to King James, were born in Scotland, were no Aliens in England; and consequently were capable not only of Lands, but all other Immunities, as if they had been born here. By these Steps so great an Advance hath been made towards this Union, that his Majesty well hopes that what is yet wanting to the perfecting of it, may be now accomplish'd; the Continuance under the same Obedience and Subjection for near Threescore and seven Years, having begotten the same common Friends, and common Enemies to both Nations, and taken off a great Part of those Difficulties, which, at the first, stood in the way. And therefore his Majesty doth most heartily recommend it unto you, That Commissioners may be nominated to treat and consult with Commissioners from Scotland,

land, concerning this Union. His Majesty hath given Directions to the Earl of Lauderdale, his Commissioner for Scotland, to make the like Proposal to the Parliament which is now sitting there; and doubts not but, upon the Meeting of such Commissioners of both Kingdoms, those things will be offer'd to your Considerations, in order to the Union, as shall tend to the Honour of his Majesty, and the common Good of all his Subjects.

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Instead of taking these Speeches into Consideration, the Commons enquired into the Points of Privileges, with relation to the two Houses, and were strict in the Examination of the Accounts of the Monies expended by the Public; in the passing of which, they found Sir * George Carteret, who had the keeping of some of the Books, so blameable, that they expell'd him the House. But being much oblig'd with the King's last Proclamation, they soon resolv'd, 'That the humble and hearty Thanks of this House be return'd to the King's Majesty for issuing out his Proclamation for putting in execution the Laws against Nonconformists, and for suppressing Conventicles, with the humble Desire of this House for his Majesty's Continuance of the same Care for suppressing of them for the future.' The Concurrence of the Lords being desired, and readily obtain'd, on the 6th of November both Houses, in pursuance of this Vote, attended his Majesty in the Banqueting-House in White-hall, where the Lord-Chief-Justice Vaughan, supplying the Room of the Lord-Keeper then indispos'd, in the Name of both Houses return'd his Majesty the fore-mentioned Thanks: For which he return'd them this particular Answer, 'My Lords and Gentlemen, I thank you for this Mark of your Affection to me: I doubt not of the Continuance and Concurrence of it in other things, as well as in this of my Proclamation: I recommend to you, that you would well weigh all that I say and desire in it towards the Welfare and Peace of the Nation; in order to which, as I shall always be ready to contribute my utmost Endeavours, so I hope you will never be failing in yours to enable me to do it.' After which the Commons appointed a Committee to enquire into the Behaviour of the Dissenters, who reported, 'That there were divers Conventicles and other seditious Meetings near the Parliament, where great Numbers of evil-affected Persons frequently meet; which they conceiv'd, was not only an Affront to the present Government, but also of imminent Danger to both Houses of Parliament, and the Peace of the Kingdom.' Upon which the whole House made this Declaration and Resolution, That they will adhere to his Majesty in the Maintenance of the Government of the Church and

Sir George Carteret expell'd.

TOME I.

R

State,

* *Vice-Chamberlain.*

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State, as it is now establish'd, against all Enemies whatsoever. Shortly after, Information was given to the House from General Monk, 'Of the great Resort of dangerous and disaffected Persons to this Town, and of their Meetings and Endeavours to disturb the public Peace; and that he had, and would take care what he could to prevent their Attempts.' Upon which the Commons immediately resolv'd, 'That the Thanks of the House be return'd to the Lord-General, for his care in preserving the Peace of the Kingdom.' So that the suppressing or restraining of Conventicles was now look'd upon not so much a matter of Religion, as of Necessity and Safety to the Government.

Sir S. Bernardiston's Narrative to the House.

As to point of Privilege, the Commons, not having satisfaction in the last Session, reviv'd the Debate of the Difference between the two Houses, as it stood upon the Case of the East-India Company, and Skinner the Merchant; and, understanding that Sir Samuel Bernardiston was a particular Sufferer by the Lords in this case, they examin'd him in the matter, who, at the Bar of the House, gave them this short Account: 'Mr. Speaker, as soon as the Commons, according to his Majesty's Command, had adjourn'd themselves on the 8th of May, 1668, I was presently call'd as a Delinquent upon my Knees to the Bar of the Lords House, and demanded, What I had to say for my self why the Judgment of that House should not pass upon me, for having a hand in, and being one of the Contrivers of a scandalous Libel against that House: To which my Reply was, That I knew not my self to be concern'd in any scandalous Libel; but true it was, I did deliver a Petition to the House of Commons, in behalf of the East-India Company by their Order, being Deputy-Governour; and I did it out of no other design, than to preserve the Company's Interest and Estate, according to my Oath and Duty of my Place. Then I was commanded to withdraw, and others were call'd in: Soon after some of the Lords came to me in their Lobby, and told me, the House was highly incens'd against me; that I should presently be call'd in again, and if I did not then submit my self, and own my Fault, I must expect the Indignation of the House of Peers to fall upon me. And being call'd in again the second time, it was demanded, What further I had to say for my self, before Judgment should pass against me. When repeating my former Discourse, adding, That I had no design to create any Difference between the two Houses, but to preserve the Company's Estate; yet if I had offended their Lordships, I humbly begg'd their pardon. Being then commanded to withdraw again, I was afterwards call'd in: And, being upon my Knees, Sentence was pronounc'd against me, to pay Three Hundred Pounds

Pounds Fine to his Majesty, and to lie in Custody of the Black-Rod till the Money was paid. And accordingly, Sir John Eyton, Usher of the Black-Rod, kept me in his Custody till the 10th of August following, when, at nine at Night, he came to me and said, Sir Samuel, I am come to discharge you from your Imprisonment, and you may go when, and where you please. I then demanded how this unexpected Release came to pass, and to whom I was beholden for the same. He reply'd, You are discharg'd upon honourable Terms, but pray ask me no Questions, for I must make you no Answer: Yet if I see you to-morrow, after the House is adjourn'd, I will tell you more; there is a Mystery, but I have sufficient Authority for what I do.

Upon hearing of this, the House fell into a warm Debate about some Expedients for settling the Difference in point of Privilege and Jurisdiction of the two Houses, which cou'd not be ended that Night; and after that they resolv'd to bring in a Bill for that purpose. This appear'd to be a Matter of too great Nicety and Difficulty to be effected in a short time. However, after Conferences with the House of Lords, they came to these five grand Resolutions. I. That it is an inherent Right of every Commoner of England to prepare and present Petitions to the House of Commons in Case of Grievance, and the House of Commons to receive the same: In evidence whereof, it is one of the first Works that is done by the Commons, to appoint a grand Committee to receive Petitions and Informations of Grievances. II. That it is the undoubted Right and Privilege of the Commons to judge and determine concerning the Nature and Matter of such Petitions, how far they are fit or unfit to be receiv'd; and that in no Age they found any Person presenting a Grievance by way of Petition to the House of Commons, and received by them, that was ever censur'd by the Lords, without Complaint by the Commons. III. That no Court whatsoever hath Power to judge or censure any Petition presented to the House of Commons, and received by them, unless transmitted from thence, or the Matter complained of by them: And that no Suitors for Justice in any inferior Court in Law or Equity, are therefore punishable Originally, tho' untrue, or suable by way of Action in any other Court; but are only subject to a moderate Fine or Amercement by that Court, unless in some Cases specially provided by Act of Parliament, as Appeals, or the like. In case Men should be punishable in other Courts for presenting Petitions to the House of Commons, it may deter his Majesty's Subjects from seeking Redress of their Grievances, and frustrate the principal End for which Parliaments were

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The Commons
Resolves upon
it.

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ordain'd. IV. Whereas a Petition from the East-India Company was presented to the House by Sir Samuel Bernardiston and others, complaining of Grievances therein, which the Lords have censured under the Notion of a Scandalous Paper or Libel: The said Censure, and Proceeding of the Lords against the said Sir Samuel Bernardiston, are contrary to, and a Subversion of the Rights and Privileges of the House of Commons, and Liberties of the Commons of England; and further, no Petition, or any Matter depending in the House of Commons, can be taken notice of by the Lords, without Breach of Privilege, unless permitted by the House of Commons. V. That the Continuance upon Record of the Judgment given by the Lords, and complain'd of by the Commons, in the last Session of this Parliament, in the Case of Thomas Skinner and the East-India Company, is prejudicial to the Rights of the Commons of England. In conclusion they added this further Allegation, 'That the House of Peers, as well as all other Courts, are in all their Judicial Proceedings to be guided and governed by Law: But if they shall give a wrongful Sentence contrary to Law, and the Party griev'd might not seek Redress thereof in full Parliament, and for that End repair to the House of Commons, (who are Part of the Legislative Power) That either they may interpose with their Lordships for the Reversal of such Sentence, or prepare a Bill for that purpose, and for the preventing the like Grievances for the Time to come; the Consequence thereof wou'd plainly be, That their Lordships Judicature is boundless and above Law, and that the Party griev'd shall be without Remedy.' Therefore, as a present Remedy, they resolv'd upon these two following Propositions to be presented to their Lordships: 'First, That the Lords be desired to vacate the Judgment against Sir Samuel Bernardiston, given the last Session of this present Parliament. Secondly, That the Lords be also desired to vacate the Judgment against the East-India Company, given by them the last Session of this Parliament.

The End of the
Ninth Session
of the Second
Parliament.

On the 11th Day of December, the King, by Commission suddenly put a stop to all Proceedings, by proroguing both Houses to the 14th Day of February next. Thus ended the ninth Session, or rather tenth, without passing one Act; tho' a Supply of four hundred thousand Pounds, had been Voted for his Majesty's Special Occasions.

The Tenth
Session of the
Second Parliament.

On the 14th Day of February, the Parliament met again after a short Recess of not above two Months, and three Days; when his Majesty, having been attended to the House with the additional Pomp of his new Guards, made the following Speech from the Throne.

' My

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The King's
Speech to both
Houses.

My Lords and Gentlemen,
I Sent forth my Proclamation that there might be a good Appearance at this Meeting, having most Confidence in Full Houses, where the Well-being of the Church, and all other Interests of the Crown and Nation are best secured. When we last met, I asked you a Supply, and I ask it now again with greater Instance; the Uncertainty and Straitness of my Affairs cannot continue without very ill Effects to the whole Kingdom: Consider this seriously and speedily; it is yours and the Kingdom's Interest as well as mine; and the ill Consequence of a Want of an effectual Supply must not lie at my door. And that no Misapprehensions or Mistakes touching the Expences of the last War may remain with you, I think fit to let you know, That I have fully inform'd myself in that Matter, and do affirm to you, that no part of those Moneys that you gave to me, have been diverted to other Uses; but on the contrary, besides all those Supplies, a very great Sum hath been raised out of my standing Revenue and Credit, and a very great Debt contracted, and all for the War. One thing I must earnestly recommend to the Prudence of both Houses, That you will not suffer any Occasion of difference between your selves to be reviv'd; since nothing but the Unity of your Minds and Counsels can make this Meeting happy either to me or to the Nation. I did recommend to you, at our last Meeting, the Union of the two Kingdoms; and I did the same to my Parliament in Scotland; they have made a great Step towards it; and I do again seriously recommend that Matter to you. I have directed my Lord Keeper to speak more at large to you.

Accordingly the Lord Keeper Bridgeman spoke as follows.

My Lords, and you Knights, Citizens, and Burgeesses of the House of Commons, At your last Meeting, his Majesty did acquaint you with the great Occasions he had for a Supply, and that he had forbore to ask it sooner, more in Consideration of giving some Time, for the Ease of the People after the Burden of the War, than that the Condition of his Affairs cou'd so long have wanted it: And his Majesty hath commanded me now to speak more fully and plainly upon this Subject. His Majesty hath not only by his Ministers, but in his own Royal Person examin'd the Accounts, touching the Expences of the last War, and hath thought himself concern'd to let you know, that all the Supplies which you gave him for the War, have been by him apply'd to the War, and no Part of them to any other Uses: Nay, so far from it, that if the Preparations towards the War shall be

The Lord
Keeper's
Speech.

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be taken to be for the Use of the War, as they must be; a great Part of his own Revenue, to many hundred thousands of Pounds, hath been employ'd also, and swallow'd up in the Charge of the War, and what did necessarily relate to it. To which may be added the great Debts contracted by his Majesty in the War, and the great Charges in the Repairs of the Hulls of his Ships, and putting his Navy into such a Condition as it was before. Besides, his Majesty thinks it ought to be consider'd, that when the Charges of the War were at the highest, the inevitable Effects of it, and those other Calamities, which it pleas'd God at that time to bring upon us, did make so great a Diminution of his Revenues, that, besides all other Accidents and Disadvantages, the Loss that he sustain'd in Three Branches of his Revenue, in his Customs, Excise, and Hearth-Money, by reason of the War, the Plague, and the Fire, did amount to little less than to six hundred thousand Pounds. Thus you see, that tho' your Supplies have been great, yet the Charges occasion'd by the War, and the Calamities which accompany'd it, have been greater: And that the Debt which is left upon his Majesty, and which he complains of, hath been contracted by the War, and not by the Diversion of the Monies design'd for it.

His Majesty hath commanded me to say one Thing more to you upon this Subject, That he did not enter into the War upon any private Inclination or Appetite of his own. The first step he made towards it, did arise from your Advice, and the Promises of your Assistance: But if the Charges and Accidents of the War have outgone all your Supplies, and left him under the Burden of this Debt, he thinks that as well the Justice to your Promise, as the Duty and Loyalty you have always shew'd him, will oblige you to relieve him from it; and the rather, when you shall seriously consider, how uneasy this Burden must be to him, and what ill Consequences the Continuance under it must draw upon all his Affairs; in which Particular, you, and every Person you represent in this Nation, will be concern'd, as well as himself. His Majesty doth therefore command me in his Name, to desire you once more, and to conjure you, by that constant Duty and Loyalty which you have always express'd to him, and by all the Concernment you have for the Support of the Honour and Safety of his Government, to provide such a Supply for him at this Time, as may bear Proportion to the pressing Occasions that he hath, and to the State of his Affairs at home and abroad; and so speedily and so effectually, as may answer the Ends for which he hath desired it. His Majesty hath farther commanded me to put you in mind of what

What was at your last Meeting propos'd to you; concerning an Union between the two Kingdoms; and to let you know, that the Parliament of Scotland hath since declar'd to his Majesty, That such Commissioners as his Majesty shall name, shall be authoriz'd on their Part; to treat with Commissioners for this Kingdom, upon the Grounds and Conditions of the Union. His Majesty therefore thought fit now again to recommend it to you, to take that Matter effectually into your Consideration.

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During this short Session of Parliament; which lasted but a little above seven Weeks, four Things were chiefly in Debate and Agitation, namely, the unhappy Difference between the two Houses, the Prosecution of the Dissenters, the Union of the two Kingdoms, and the Supplies for his Majesty's Service. The first being reviv'd to such a Degree as might hazard the Success of the last, the King himself thought fit to interpose, and to make a Proposition of an Expedient; which, after eight Days sitting, he did to both Houses summon'd to Whitehall; in this following short Speech:

' My Lords and Gentlemen;

I Did very earnestly recommend to you the other day, That you would not suffer any Differences between yourselves to be reviv'd; and I think it of so great Importance, that I have sent for you again upon the same Subject. I remember very well, that the Case of Skinner was first sent by me to the Lords. I have therefore thought myself concern'd to offer to you what I judge the best and safest way to put an end to the Differences: I will myself give present Order to raze all Records and Entries of this Matter in the Council Books, and in the Exchequer, and to desire you to do the like in both Houses, that no Memory may remain of this Dispute between you; and then I hope all future Apprehensions will be secured.

The King's
Proposals to both
Houses, in the
affair of Skin-
ner.

This had such an Effect upon the House of Commons, who thought themselves the only Persons aggriev'd; that they immediately resolv'd, ' That in obedience to his Majesty's Command in his Speech, a Rasure or Vacate be made in the Journal of the House of all the Matters therein contain'd, relating to the Business of the East-India Company and Skinner. Which was not only done, but they further Resolv'd, That the Humble Thanks of this House be return'd to his Majesty, in the Name of this House, and of all the Commons of England, for his Majesty's gracious Speech, and Favour therein express'd to this House, and the Commons of England.'

It is accepted of.

This

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Resolutions
against Discon-
tents.

This Point thus obtain'd, and several Informations having been prefer'd to the House against the Meetings of Dissenters, especially one in the West, where it was said treasonable Words were spoke; they resolv'd, ' That the Thanks of this House be return'd to his Majesty, for his Care in giving Order to bring the Offenders to Justice; And that his Majesty would be pleas'd to consider the Danger of Conventicles in and near London and Westminster, from the Nature of those further Offenders, and to give Order for the speedy suppressing them: And likewise, that his Majesty would give Order to put the Laws in execution against Popish Recusants; and that leave be given to bring in a Bill for the more easy and speedy Conviction of Popish Recusants.' In this Vote the Lords unanimously join'd; and accordingly, on the 11th of March, they attended the King in the Banqueting-House with the said Vote and Desire, who was pleas'd to declare, That effectual Course shou'd be taken in both Cases.

Several Acts
pass'd.

After this they proceeded with great Expedition, and several Bills being got ready, on the 11th of April, his Majesty came to the House of Peers, and pass'd these following Bills. 1. An Act for granting his Majesty an Imposition upon all Wines and Vinegar imported between June 1670, and June 1678. 2. An Act for taking away the Benefit of the Clergy from such as steal Cloth from Racks, and such as shall steal or imbezzle his Majesty's Ammunition and Stores. 3. An Act for Improvement of Tillage, and the Breed of Cattle. 4. An Act for ascertaining the Measures of Corn and Salt. 5. An Act for the Repairing the Haven and Peers of Great Yarmouth. 6. An additional Act for the better repairing of High-Ways and Bridges. 7. An Act for the Advancing the Sale of his Majesty's Fee-Farm Rents, and other Rents. 8. An Act to suppress and prevent seditious Conventicles. 9. An Act for settling the Imposition upon Brandy. 10. An Act for authorizing several Commissioners of the Realm of England, to treat with Commissioners of Scotland, for the Weal of both Kingdoms. 11. An additional Act for Rebuilding of the City of London, Uniting of Parishes, and Rebuilding of the Cathedral and Parochial Churches within the said City. 12. An Act to enable his Majesty to make Leafes, Grants, and Copies of Offices, Lands, Tenements and Hereditaments, Parcel of his Highness's Duchy of Cornwall, or annex'd to the same. Upon passing these Acts, his Majesty declar'd that it was his Pleasure that the Parliament shou'd be only adjourn'd, and that to the 24th Day of October; and thus the Tenth Session of this Parliament broke up, after it had sat a little above, seven Weeks.

The Parliament
breaks up.

Octob.

Octob. 24. The Parliament met again, according to Adjournment, when his Majesty, in a short Speech, refer'd all to his Lord-Keeper Bridgeman, who spoke as follows :

' My Lords, and you the Knights, Citizens, and Burgeses of the House of Commons, When the two Houses were last adjourn'd, this Day, as you know, was prefix'd for our Meeting again; the Proclamation since issu'd, requiring all your Attendance at the same Time, shewing not only his Majesty's Belief that his Business will thrive best when the Houses are fullest, but the importance also of the Affairs, for which you are so called; and Important they are. You cannot be ignorant of the great Forces, both for Land and Sea-Service, which our Neighbours of France and the Low-Countries have new rais'd, and have now in actual Pay, nor of the great Preparations they continue to make in Levying of Men, Building of Ships, filling their Magazines and Stores with immense Quantities of all sorts of warlike Provisions. Since the Beginning of the last Dutch War, the French have increas'd the Greatness and Number of their Ships so much, that their Strength by Sea is thrice as much as it was before. And, since the End of it, the Dutch have been very diligent also in augmenting their Fleets. In this Con-juncture, when our Neighbours arm so potently, even common Prudence requires that his Majesty should make some suitable Preparations; that he may at least keep pace with his Neighbours, if not out-go them in Number and Strength of Shipping. For this being an Island, both our Safety, our Trade, our Being, and our Well-being depend upon our Forces at Sea. His Majesty therefore, of his princely Care for the Good of his People, hath given order for the Fitting out fifty Sail of the greatest Ships, against the Spring, besides those which are to be for Security of our Merchants in the Mediterranean; as foreseeing, if he should not have a considerable Fleet, while his Neighbours have such Forces both at Land and Sea, Temptation might be given to those who seem not now to intend it, to give us an Affront, at least, if not to do us Mischief. To which may be added, That his Majesty, by the Leagues he hath made for the common Peace of Christendom, and the Good of his Kingdoms, is oblig'd to a certain Number of Forces, in case of Infraction thereof: as also for the Assistance of some of his Neighbours, in case of Invasion. And his Majesty would be in a very ill Condition to perform his Part of the Leagues, if (while the Clouds are gathering so thick about us) he should, in hopes that the Wind would disperse them, omit to provide against the Storm.

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1670.

The Lord's
Keeper's Speech
to both Houses.

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1670.

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My Lords and Gentlemen, Having nam'd the Leagues made by his Majesty, I think it necessary to put you in mind, That, since the Close of the late War, his Majesty hath made several Leagues, to his own Honour, and infinite Advantage to the Nation: One, known by the Name of the Triple Alliance, wherein is Majesty, the Crown of Sweden, and the States of the United Provinces, are engag'd to preserve the Treaty of Aix-la-Chapelle, concerning a Peace between the two warring Princes; which Peace produc'd that Effect, That it quench'd the Fire which was ready to have set all Christendom in a Flame; and besides other great Benefits by it, which she still enjoys, gave Opportunity to transmit those Forces against the Infidels, which would otherwise have been imbrued in Christian Blood. Another, between his Majesty and the said States for a mutual Assistance with a certain Number of Men and Ships, in case of Invasion by any others, Another, between his Majesty and the Duke of Savoy, establishing a free Trade for his Majesty's Subjects at Villa Franca, a Port of his own upon the Mediterranean, and through the Dominions of that Prince, and thereby opening a Passage to a rich Part of Italy, and a Part of Germany, which will be of a very great Advantage for the Vending of Cloth, and other our home Commodities, bringing back Silk, and other Materials for Manufactures here. Another, between his Majesty and the King of Denmark, whereby those other Impositions that were lately laid upon our Trade there, are taken off, and as great Privileges granted to our Merchants, as ever they had in former Times, or as the Subjects of any other Prince or State do now enjoy. Another, upon a Treaty of Commerce with Spain, whereby there is not only a Cession and giving up to his Majesty of all their Pretensions to Jamaica, and other Islands and Countries in the West-Indies, in the Possession of his Majesty or his Subjects, but withal, free Liberty is given to his Majesty's Subjects to enter their Ports for Victuals and Water, and Safety of Harbour, and Return, if Storm or other Accidents bring them thither; Privileges which were never before granted by them to the English or any others. Not to mention the Leagues formerly made with Sweden and Portugal, and the Advantages which we enjoy thereby; nor those Treaties now depending between his Majesty and France, or his Majesty and the States of the United Provinces touching Commerce; wherein his Majesty will have a singular Regard to the Honour of this Nation, and also to the Trade of it, which never was greater than now it is. In a word, almost all the Princes of Europe do seek his Majesty's Friendship, as

acknowledg-

acknowledging they cannot secure, much less improve their present Condition without it. Anno 22 Car. II. 1670.

My Lords and Gentlemen, His Majesty is confident that you will not be contented to see him depriv'd of all the Advantages which he might procure hereby to his own Kingdoms, nay, even to all Christendom, in the Repose and Quiet of it. That you will not be content alone to see your Neighbours strengthening themselves in Shipping, so much more than they were before, and at home to see the Government struggling every Year with Difficulties; and not able to keep up our Navies equal with theirs. He finds, that by his Accounts from the Year 1660, to the late War, the ordinary Charge of the Fleet, *communibus Annis*, came to about five hundred thousand Pounds a Year, and it cannot be supported with less. If that Particular alone takes up so much, add to it the other constant Charges of the Government, and the Revenue (although the Commissioners of the Treasury have manag'd it with all imaginable Thrift) will in no degree suffice to take off the Debts due upon Interest, much less give him a Fund for the setting out of this Fleet, which, by common Estimation thereof, cannot cost less than eight hundred thousand Pounds. His Majesty in his most gracious Speech hath express'd the great Sense he hath of your Zeal and Affection for him, and as he will ever retain a grateful Memory of your former Readiness to supply him in all Exigencies, so he doth with particular Thanks acknowledge your frank and chearful Gift of the new Duty upon Wines, at your last Meeting: But the same is likely to fall very short in Value of what it was conceiv'd to be worth; and should it have answer'd Expectation, yet far too short to ease and help him upon these Occasions. And therefore such a Supply as may enable him to take off his Debts upon Interest, and to set out this Fleet against the Spring, is that which he desires from you, and recommends it to you, as that which concerns the Honour and Support of the Government, and the Welfare and Safety of yourselves, and the whole Kingdom. Now, my Lords and Gentlemen, you may perceive by what his Majesty hath already said, that he holds it requisite that an End be put to this Meeting before Christmas. It is so, not only in reference to the Preparation for the Fleet, which must be in Readiness in the Spring, but also to the Season of the Year. It is a Time when you would be willing to be in your Countries, and your Neighbours would be glad to see you there, and partake of your Hospitality and Charity; and you thereby indear yourselves to them, and keep up that Interest and Power among them, which is necessary for the Service of your King and Country: And a Receipt

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1670.

Several Money
Bills in Agita-
tion.

The House ad-
journ'd.

Sir John Coven-
try's Nose cut.

at that Time, leaving your Business unfinish'd till your Return, cannot either be convenient for you, or suitable to the Condition of his Majesty's Affairs, which requires your speedy as well as affectionate Consideration.

This Speech produced a Vote from the House, 'That his Majesty should be supply'd proportionably to his present Occasions.' Accordingly they went upon Ways and Means of all Sorts, and in a short time began to form three several Money-Bills; the First was for raising eight hundred thousand Pounds by way of Subsidies upon Real and personal Estates: The Second was an additional Excise upon Beer, Ale, &c. for six Years; and the last was for laying Impositions on Proceedings at Law, which was to continue nine Years. While these things were in agitation, Sir Samuel Sterling the late Lord-Mayor, Sir Joseph Sheldon, Sir Andrew King, and others of the Lieutenancy, having committed Mr. Hayes, and Mr. Jekell, for attempting to bribe the Magistrates in Case of the Act against Conventicles; the Matter was brought before the House of Commons, and being debated, it was thus Resolv'd; 'That this House doth give Approbation to what was done by the late Lord-Mayor, Sir Samuel Sterling, and the Lieutenancy of London, in committing Mr. Hayes and Mr. Jekell; and that it was done in order to the Preservation of the King, and Peace of the Kingdom.' Notwithstanding this Vote, Mr. Jekell soon after ventur'd to sue Sir Andrew King at Law; of which Information being given to the Commons, they fell into a heat, and Resolv'd, 'That Mr. Jekell be sent for in the Custody of the Serjeant at Arms, to answer his Contempt in prosecuting his Suit at Law against Sir Andrew King; after the Vote of this House, whereby it was declared, That the Commitment of the said Mr. Jekell was in order to the Preservation of the King, and Peace of the Kingdom.' And further, they order'd Mr. Burton, Counsel for Mr. Jekell, and Mr. Ogden his Attorney, to be likewise sent for in Custody of the Serjeant at Arms, for their Contempt in moving and acting for Mr. Jekell, after the fore-mention'd Vote: But were afterwards on their Submission discharg'd.

The House afterwards adjourn'd for a Month, in which Interval, Sir John Coventry, a leading Member, had his Nose cut, as 'tis said, by order from Court, on this Occasion. In the Debate on the Supply, a Motion was made for laying a Tax on Play-houses, which was oppos'd by the Courtiers, who gave for a Reason, *That the Players were the King's Servants, and a Part of his Pleasure.* To this Sir John, by way of Reply, ask'd, *If the King's Pleasure lay among the Men or Women Players?* This Violence committed on a Member, as suppos'd, for what was spoken within doors, brought

brought the House together in ill Humour, at the latter End of January: And so far did they carry their Resentment, that they declin'd all other Affairs till they had pass'd a Bill against those who were the Authors or Actors of the Villany. Accordingly they drew up a Bill, in which they made the Criminals incapable of any Pardon but by particular Act of Parliament, and made it Death for the future for any Man maliciously to disable or dismember another, to put out an Eye, to cut off a Nose or Lip, &c. and concluded all with one peculiar Clause, ' That his Majesty's royal Assent to this Bill should not determine this Session of Parliament.' This was afterwards commonly call'd by the Name of Coventry's Act; which being sent up to the Lords, his Majesty soon after, on the 14th of February, sent a Message by Mr. Secretary Trevor to acquaint them, ' That his Majesty was inform'd, that there had some Bills pass'd both Houses, and that there were others depending near their dispatch, which he desir'd them to hasten, especially those for his Supply: And lest they should not be ready for his Assent by the 22d of this Instant February, he had given Order for the Adjourning of the Session until the 10th of March next.

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1670-1.

The Tenth
Session con-
tinu'd.

Coventry's Act
pass'd.

But notwithstanding this Message, they proceeded to other Matters as well as the Supplies; and in particular drew up the following remarkable Address against Popery, in which the Lords afterwards join'd: ' May it please your most Excellent Majesty, We your Majesty's most humble and loyal Subjects, the Lords and Commons in this present Parliament, being sensible of your Majesty's Constancy to the Protestant Religion, both at home and abroad, hold ourselves bound in Conscience and Duty to represent to your Majesty the Causes of the dangerous Growth of Popery in your Majesty's Dominions, the ill Consequence whereof we heartily desire may be prevented. And therefore what we humbly conceive to be some present Remedies for the said growing Mischiefs, we have hereunto added in our most humble Petitions:

The Address of
both Houses
against Popery.

Causes of the Growth of Popery.

' That there are great Numbers of Priests and Jesuits frequenting the Cities of London and Westminster, and most of the Counties of this Kindom, more than formerly, seducing your Majesty's good Subjects. 2. That there are several Chapels and Places used for saying of Mass in the great Towns, and many other Parts of the Kingdom, besides those in Embassadors Houses, whither great Numbers of your Majesty's Subjects constantly resort and repair without Controll: And especially in the Cities of London and Westminster, contrary to the Laws Established. 3. That there are Fraternities or Convents of English Popish Priests and Jesuits

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Jesuits at St James's, and at the Combe in Herefordshire, and other Parts of the Kingdom; besides, several Schools are kept in divers Parts of the Kingdom for the corrupt Educating of Youth in the Principles of Popery. 4. The common and public selling of popish Catechisms, and other seditious Books, even in the Time of Parliament. 5. The general Remissness of the Magistrates and other Officers, Clerks of the Assize, and Clerks of the Peace, in not Convicting of Papists according to Law. 6. That suspected Recusants are free from all Offices chargeable and troublesome, and do enjoy the Advantage of Offices and Places beneficial; executed either by themselves, or Persons entrusted for them. 7. That the Advowance of Churches, and Presentations to Livings are dispos'd by Popish Recusants, or by others entrusted by them as they direct; whereby most of those Livings and Benefices are fill'd with scandalous and unfit Ministers. 8. That many Persons take the Liberty to send their Children beyond the Seas to be educated in the popish Religion; and that several young Persons are sent beyond the Seas, upon the Notion of their better Education, under Tutors and Guardians who are not put to take the Oaths of Allegiance and Supremacy, and usually corrupt the Youth under their Tuition, into Popery. 9. That there have been few Exchequer Processess issu'd forth since the Act of Parliament against Popish Recusants Convict, tho' many have been certify'd thither. 10. The great Insolencies of Papists in Ireland (where do publicly appear Archbishops and Bishops reputed to be made so by the Pope, in opposition to those made under his Majesty's Authority, according to the Religion establish'd in England and Ireland) and the open Exercise of Mass in Dublin, and other Parts of that Kingdom, is further a great Cause of the present Growth of Popery. That Peter Talbot, the Reported Archbishop of Dublin, was publicly Consecrated so at Antwerp with great Solemnity; from whence he came to London, where he exercis'd his Function; and was all along in his Journey to Chester treated with the Character of his Grace by the Popish Recusants whom he visited: And at his landing at Dublin was receiv'd with very great Solemnity by those of the Popish Religion there, where also he exercis'd his Function publicly, great Multitudes then flocking to him, and still continue to do the same. His present Residence is within three Miles of Dublin, at his Brother's, Colonel Richard Talbot's, who is now here soliciting your Majesty as public Agent on the Behalf of the Irish Papists of that Kingdom.

Remedies against these growing Mischiefs.

‘ We the Lords and Commons assembled in this present Parliament, do in all Humility represent unto your sacred Majesty in these our Petitions following; 1. That your Majesty by your Proclamation wou’d be most graciously pleas’d to Command, that all Popish Priests and Jesuits do depart this Realm, and all other your Majesty’s Dominions, on or before a short Day to be prefix’d, at their Perils; except only such Foreign Priests as attend her Majesty’s Person by the Contract of Marriage, and Ambassadors, according to the Law of Nations: And that all Judges, &c. do cause the Laws now in force against Popish Recusants Convict, to be put in due Execution: And in the first place, for the speedy convicting such Popish Recusants, that all Judges and Justices aforesaid do strictly give the said Laws in Charge unto the Juries at all Assizes and Sessions, under the Penalty of incurring your Majesty’s highest Displeasure. 2. That your Majesty wou’d be pleas’d to restrain and hinder the great Concourse of your Native Subjects from hearing of Mass, and other Exercises of the Romish Religion, in the Houses of Foreign Ambassadors or Agents, and in all other Chapels and Places of this Kingdom. 3. That your Majesty wou’d be pleas’d to take care, and cause, That no Office or Employment of public Authority, Trust, or Command in Civil or Military Affairs, be committed to, or continu’d in the Hands of any Person being a Popish Recusant, or justly reputed to be. 4. That your Majesty wou’d be pleas’d to take notice of all Fraternities or Convents of English, and other Popish Priests, Jesuits or Fryars, and Schools for the Educating of Youth in the Principles of Popery, erected within your Majesty’s Dominions, and to cause the same to be abolish’d, and the said Priests, Jesuits, Fryars and School-masters to be duly punish’d for such their Insolencies. 5. That your Majesty wou’d be pleas’d from time to time to require and cause, that all the Officers of, or relating to the Exchequer, illeue forth Processes effectually against Popish Recusants Convict certify’d thither. And that such Officers as shall refuse or neglect to do their Duty, as aforesaid, be severely punish’d for such their Failures. 6. That your Majesty wou’d be pleas’d to give Order for apprehending and bringing over into England one Plunket, who goes under the Name of Primate of Ireland, and one Peter Talbor, who takes on him the Name of Archbishop of Dublin, to answer such Matters as shall be objected against them.’

‘ To these our most humble Petitions, proceeding from our Duty and Zeal for the Glory of God, and the Good of your Sacred Majesty, and from the Care incumbent on us
for

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for the Safety and Peace of these your Majesty's Kingdoms, we do in all Humility beseech your Majesty to vouchsafe a Gracious Answer: And we your Majesty's most loyal and obedient Subjects, the Lords and Commons in the present Parliament assembled, shall ever pray for your Majesty's long and happy Reign over us; and (as in Conscience we are oblig'd) shall constantly adhere to, and assist your Majesty in the Maintenance and Defence of your Majesty's Supremacy, and the true Protestant Religion now establish'd in your Majesty's Kingdoms, in opposition to all Foreign Powers, and Popish Pretences whatsoever.

When this Address was sent up to the Lords, they took some time to consider of it, as not being well satisfy'd with the Certainty of some Matters of Fact therein mention'd, as particularly the Chapels, Fraternities and Convents, and the Advancement of Peter Talbot; but, having afterwards in a Conference receiv'd Satisfaction, they join'd with the Commons, and together with them presented the Address to the King at the Banqueting-House in Whitehall. His Ma-

The King's
Answer.

His Majesty made this most gracious Answer to them; ' My Lords and Gentlemen, I will take care of all these Things; I will cause a Proclamation to be issu'd out against the Priests; I will cause the Judges, and all other Officers to put the Laws against Papists in execution, and all other things that may conduce to the Prevention of the Growth of Popery. But I suppose no Man will wonder, if I make a difference between those that have newly chang'd their Religion, and those that were bred up in that Religion, and serv'd my Father and me faithfully in the late Wars.'

His Proclamation
against Pa-
pists.

The Houses return'd their Thanks for this Answer, and the King accordingly issu'd out his Proclamation, which began after the Manner that most of his Proclamations did upon this Occasion. The Substance was, ' Whereas the Lords and Commons in Parliament assembled, have by their Petition presented to his Majesty their Fears and Apprehensions of the Growth of Popery, together with the Causes thereof, and also such Remedies as they conceive most proper to prevent such Mischiefs: Which Petition his Majesty having seriously consider'd, and with much Contentment approving the great care of the said Lords and Commons, for the Preservation of the true Religion established; to which his Majesty declares, as he hath always adhered against all Temptations whatsoever, so he will still employ his utmost Care and Zeal in the Maintenance and Defence of it. And therefore strictly commands all Jesuits and Romish Priests to depart out of England before the first of May, upon pain of having the Penalties of the Laws of this Realm inflict'd upon them. And his Majesty commands all Judges, &c. forthwith to put the

Law

Laws in Execution against all Popish Recusants, and such as are suspected to be so, in order to their speedy Conviction, and due Process upon such Convictions. And because there may be some Priests imprison'd in this Realm, unknown to his Majesty; all Sheriffs, &c. are within twenty Days to advertise some of the Lords of the Privy-Council of their Names, and for what Cause they were committed, to the end Orders may be given for their Transportation.

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After this the House proceeded with all Vigour upon the King's Supplies, the Subsidy-Bill, the Excise-Bill, and the Law-Bill; to which Three they afterwards added a Fourth Bill for Impositions on foreign Commodities. But this Prodigality in giving, receiv'd a Check in the House of Lords, by the celebrated Speech of the Lord Lucas (afterwards burnt by the Common Hangman,) which had such an Effect, that the Lords added several Provisos to the Subsidy-Bill: But the Commons refusing to allow them, a Conference ensued between the two Houses, in which they gave their Reasons as follow. 'First, the Privilege demanded was against the King, and against the Execution for his Supply, which ought not to be clogg'd with any unnecessary Circumstances; it being itself a *Non omittas propter aliquam Libertatem*. Secondly, the Privilege demanded is not due to their Lordships in point of Right, nor can it be insisted upon in point of Honour: 1. Because there is as much Reverence paid to their Lordships Privileges in this Bill, as ever was paid in a Bill of Supply; there being a Proviso, That the Taxes, to be collected for the Personal Estates and the Offices of the Peers, shall be collected by a Collector of their own. 2. The Amendments agreed to: 'That nothing therein contain'd shall be drawn into Example to the Privilege of the Ancient Rights belonging to the Peers: So no Danger of any Ancient Right. 3. There Lordships are the best Judges of their own Honour; but in the Bill for the Royal Aid, there is the same Clause as in this Bill, yet their Lordships did not then think fit to add such a Qualification to that Clause. 4. It is true the Commissioners were named in that Act: but that can make no Difference in the Case, unless their Lordships be afraid where the Nomination is trusted to the King. 5. It wou'd be a Dishonour to your Lordships to have this Clause stand in the Bill: For it doth not concern the Tax upon Personal Estates or Offices, but supposes a Lord tax'd for his Land, and not a Hoof left upon the Land to distrain; and that, after all this, a Lord barricades up his House to resist a Distress: is it fit to suppose such a Case, or should it be treated with Ceremony when it happens? 6. If the Lord be return'd into the Exchequer, the meanest

The Commons
Reasons against
it.

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Bailiff of the Sheriff. may break open the House of a Peer without more Ceremony; why should a Commissioner be appointed in this Case, unless all Exchequer-Process be intended to be debarr'd by this Clause too? 7. No Distress can be upon a Peer without a Warrant under the Hands of two Commissioners; which is Caution enough. 8. The Lords have no Privilege above the Commons as to Execution against their Estates; And, therefore, we hope this Occasion shall not be taken to create Precedents for new Privileges in Payment of Money. 9. It wou'd discourage Persons from being Commissioners, if they must be Officers to attend the Distress, and no Man will be willing to serve. 10. The Act of Printing leaveth the Lords and Commons, as to the Privileges of Houses; and no Bill of Money did ever distinguish them. 11. The whole Duty may be avoided; for, in truth, there lies no Obligation upon any Commissioner to go with any Officer, and so the Matter may be wholly neglected. 12. If a Distress be wrongful, why should a Lord have a better Man to bring his Action against, than a Commoner; and who will ever go to subject himself to the Action of a Peer, if he be displeas'd with the Distress?

Some Acts
pass'd.

However convincing these Reasons were, their Lordships acquiesc'd; so that this and other Bills being ready, on the 16th of March, the King came to the House of Peers, and pass'd these following public Bills: 1. An Act for granting a Subsidy to his Majesty for Supply of his Extraordinary Occasions. 2. An Act for an Additional Excise on Beer, Ale, and other Liquors. 3. An Act for Regulating the making of Kidderminster Stuffs. 4. An Act to prevent the malicious Burning of Houses, Stacks of Corn and Hay, Killing and Maiming of Cattle. 5. An Act to prevent malicious Maiming and Wounding. 6. An Act for Revesting the Power of granting Wine Licences in his Majesty's Heirs and Successors, and for settling a Revenue on his Royal Highness in lieu thereof; which amounted to twenty four thousand Pounds a Year. 7. An Act for Continuance of a former Act, entitled, An Act to prevent Delays in extending Statutes, Judgment and Recognizances. 8. An Act for continuing of a former Act, to prevent Arrests of Judgments, and Superfeding Executions.

The great Controversy between the Lords and Commons concerning Money-Bills.

But the Disputes between the two Houses did not end here. Two more Money-Bills remain'd to be pass'd, the one *for Impositions on Proceedings at Law*, and the other, for an *additional Imposition on several foreign Commodities*: Which the Merchants esteeming a Grievance, they petition'd the House of Lords for Relief, who thought their Reasons of such Weight, that they demanded a Conference with the Commons upon the Case in dispute; and this being comply'd with,

with, a Committee from both Houses were appointed, who met for the first time on April 19. The Earl of Anglesea was Speaker for the Lords, and Sir Heneage Finch, Attorney-General, for the Commons. The particulars of the Conference were as follows.

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This Conference was desired by their Lordships, upon the subject matter of their last Conference, concerning the Bill for Impositions on Merchandize, &c. wherein the Commons communicated it to the Lords as their Resolution, that there is a fundamental Right in that House alone in Bills of Rates and Impositions on Merchandize, as to the Matter, the Measure, and the Time.

Second Conference between both Houses, April 19. 1671, on the Bill for Impositions on Merchandize.

And tho' their Lordships have neither Reason nor Precedent offered by the Commons, to back that Resolution, but were told, that this was a Right so fundamentally settled in the Commons, that they could not give Reasons for it; for that would be a weakening of the Commons Right and Privilege: yet the Lords in Parliament, upon full consideration thereof and of that whole Conference, are come to this Resolution, *Nemine contradicente*,

That the Power exercised in the House of Peers, in making the Amendments and Abatements in the Bill entitled, An Act for an additional Imposition on several foreign Commodities, and for Encouragement of several Commodities and Manufactures of this Kingdom, both as to Matter, Measure, and Time, concerning the Rates and Impositions on Merchandize, is a fundamental, inherent and undoubted Right of the House of Peers, from which they cannot depart.

Reasons of the Peers.

I. The great happiness of the Government of this Kingdom, is, that nothing can be done in order to the Legislature, but what is considered by both Houses, before the King's sanction be given unto it; and the greatest Security to all the Subjects of this Kingdom, is, that the Houses, by their constitution, do not only give Assistance, but are mutual Checks to each other.

II. Consult the Writs of Summons to Parliament, and you will find, that the Lords are not excluded from the great and arduous Affairs of the Kingdom; and the Commons of England are but called to treat and give their counsel upon them all, without exception.

III. We find no footsteps in Record or History, for this new Claim of the House of Commons; we would see that Charter or Contract produced, by which the Lords divested themselves of this Right, and appropriated it to the Commons, with an exclusion of themselves: till then, we cannot consent to shake or remove Foundations, in laying whereof it will

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not be denied, that the Lords and Grandees of the Kingdom had the greatest Hand.

IV. If this Right should be denied, the Lords have not a Negative Voice allowed them in Bills of this nature; for if the Lords, who have the Power of Treating, Advising, giving Counsel, and applying Remedies, cannot mend, abate, or refuse a Bill in part, by what Consequence of Reason can they enjoy a Liberty to reject the whole? When the Commons shall think fit to question it, they may pretend the same grounds for it.

V. In any case of Judicature, which is undoubtedly, and indisputably, the peculiar Right and Privilege of the House of Lords, if their Lordships send down a Bill to the Commons, for giving Judgment in a legislative way, they allow and acknowledge the same Right in the Commons; to amend, change and alter such Bills, as the Lords have exercised in this Bill of Impositions, sent up by the Commons.

VI. By this new Maxim of the House of Commons a hard and ignoble choice is left to the Lords either to refuse the Crown Supplies, when they are most necessary, or to consent to ways and proportions of Aid, which neither their own Judgment, or Interest, nor the Good of the Government and People, can admit.

VII. If a positive Assertion can introduce a Right, what security have the Lords, that the House of Commons shall not in other Bills (pretended to be for the general good of the Commons, whereof they will conceive themselves to be the fittest Judges,) claim the same peculiar Privilege, in exclusion of any deliberation, or alteration of the Lords, when they shall judge it necessary or expedient?

VIII. And whereas you say, this is the only poor thing which you can value yourselves upon to the King; their Lordships have commanded us to tell you, that they desire rather to increase, than any way diminish the Value and Esteem of the House of Commons, not only with his Majesty, but with the whole Kingdom; but they cannot give way that it should be raised by the undervaluing the House of Peers, and an Endeavour to render that House unuseful to the King and Kingdom, by denying unto it those just Powers which the Constitution of this Government, and the Laws of the Land, have lodged in it for the service and benefit of both.

IX. You d'd, at the Conference, tell us, that we did agree to a Book of Rates, without so much as seeing it, and that never a Book of Rates was read in the Lords House, and that the said Book of Rates was signed by Mr. Harbottle Grimstone, then Speaker of the House of Commons, and not sent up, lest the Lords Speaker might sign it too.

As

As for the Book of Rates, instanced by the House of Commons, it was made in a way different from all former Books of Rates, and by an Assembly called without the King's Writ; and which wanted so much the Authority of Parliament; that the Act they made was no Act, till confirmed by this Parliament: tho' the work which happily succeeded in their Hands, for restoration of the ancient Government of this Kingdom, will ever be mentioned to their Honour; yet no measure for Parliamentary Proceedings is to be taken from this one Instance, to the prejudice of the Right of the Crown in making Books of Rates, and of the Lords, in having their due Consideration thereof, when they shall be enacted in Parliament; which was so far from being according to former Usage, that the Lords considering the necessity and condition of that Time, and there being no Complaint, passed that Bill upon three readings in one Day, without so much as a Committee, little imagining the forwardness of their Zeal to the King's Service in such Times, would have created an Argument in the future against their Power. And if the Lords did never read Books of Rates in their House, it is as true that the *House of Commons* do not pretend, nor did shew that ever any was read there but this.

Tho' where a Right is so clear, and Reasons so irrefragable, it is not to be required of those who are possessed of the Right to give Precedents to confirm it, but those who dispute the Right ought to shew Precedents or Judgments to the contrary, not pass it (*sub silentio*) upon the Point controverted: yet the Lords have commanded us to offer, and leave with you these following Precedents.

1. By Records both ancient and modern, it doth appear, that the Lords and Commons have consulted together, and conferred one with another on the Subject of a Supply to the King, and of the Manner how the same may be levied As, 14 Edw. 3. N. 5. *Après grand trete et pleance entre les Grantz et les ditz Chevaliers et autres des Communes Esteans en dit Parl. est accorde et assentu per tous les Grantz et Communes, &c.* That they grant to the King the 9th of Corn and Wool, 29 Edw. 3. N. 11. 51 Ed. 3. N. 18. Certain there named, from time to time, to confer with the Commons, for their better help in consulting for the Raising of Money, and this sometimes by the King's Command, as 22 Ed. 3. N. 3. Sometimes by Motion and Appointment of the Lords; as 5 Ed. 3. N. 8. And in the Case of the great Contract for Tenures and Purveyances, 7 Jac. 14. of Febr. 1609. Sometimes by the Desire of the Commons; As 47 Ed. 3. N. and 4 R. 2. N. 10, 11, 12, 13, 14, 15. Upon a great Sum demanded for the King, the Commons come to the Lords, and desire a Moderation of the Sum, and their Consideration how it should be

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be levied; and hereupon was granted by Lords and Commons 12 l. of every Man, &c. It is observable that Nov. 13, it was said, the Lords sent for the Commons several Times before them, and proposed to them the Manner of levying the Money, and afterwards it was given: And again, 6 Rich. II. N. 14. And in the Case of the great Contract before-mentioned, 7 Jac. 18. June, 1610. the Commons, at a Conference, desire to know what Project their Lordships will propound for levying that which shall be given, other than upon Land. And afterwards, in another Conference, by the Commons answer was made to the Lords Proposal, Agreed, that the Manner of levying it may be in the most careful and contentful Way that, by both Houses, can be devised. See the whole Proceedings of the intended Contract, which do, in several remarkable Instances, shew that the House of Commons themselves did allow the House of Peers their Part, in treating and debating on the Subject of Money to be levied for his Majesty

2. That, in Aids and Subsidies, the Lords have anciently been expressly joined with the Commons in the Gift: as in the first we can meet with in our Statutes; That in the body of Magna Charta, cap. 37. *The Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Freeholders and other our Subjects, have given to us the 15th Part of all their Moveables: Which must include Merchandize.* This Style the ancient Grants of Subsidies and the modern ones too do retain (the troublesome Time, of the War between the Houses of York and Lancaster only excepted;) and even then it was (*the Commons, by Advice and Consent of the Lords, give and grant*) till the Beginning of King Charles the First, by these Words, *We your Majesty's loyal Subjects in Parliament assembled*, implicitly, or by the Words, *We the Lords Spiritual and Temporal and Commons in Parliament assembled*, expressly, the Lords are joined in the Grant, as, by the Perusal of the Statutes, will appear.

3. That, in Subsidies of this nature, viz. Customs, the Lords have joined with the Commons in the Grant of them; and that at the very Beginning of these Impositions, as when 30s. upon every Sack of Wool (a home, native Commodity) was granted to Edw. I. in the third Year of his Reign, to him and his Heirs; the Grant is *Magnates, Prelati & tota Communitas concesserunt.* See Parl. Roll. 3 Ed. 1. M. 1. N. 1. And other ancient Rolls do also shew, that the Lords joined with the Commons in Gift of Moneys, as Close Roll, 3 Ed. 1. M. 12. Endors. 3. Grant of a 15th, and Part Roll, 3 Ed. 1. M. 6.

4. And more particularly in Impositions of this very Species, *Tonnage and Poundage*: The Lords were ever, at the first

first beginning, joined with the Commons in the Grant, as the Parliament Roll, in 47 of Edw. 3. N. 10. The first Establishment of it by Act doth declare; where 'tis expressly said, *The Lords and Commons do grant*. And this Style did continue in Acts of this nature till the end of Rich. II. After which, in those troublesome Times, the Style was various, till K. Hen. the VIIIth's Time, and this Style of Acts of *Tonnage and Poundage* was; *We the Commons, with the Advice and Consent of the Lords Spiritual and Temporal, do give and grant*. This Form of Gift in *Tonnage and Poundage*, lasted Edw. VI. Queen Mary's, Queen Elizabeth's and King James's Time, as the Statutes themselves do declare.

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5. And, to prove most undeniably, that the Lords have their Share, in the Gifts of Aids and Supplies to the King, see the Act of 9 Hen. IV. commonly called the *Indemnity of the Lords and Commons*; which provides, that the Lords shall commune apart by themselves, and the Commons by themselves. The latter End enacts expressly, *That the King shall thank both Lords and Commons*, for Subsidies given him.

6. That the Lords may make Amendments and Alterations in Bills which grant *Tonnage and Poundage*, (the very question now between us) appears in an eminent Book Case, 33 Hen. VI. Feb. 17. which was a Consultation of all the Judges in England, and the Master of the Rolls, and the Clerk of the Parliament called in, to inform them as to the Manner of Proceedings of Bills in Parliament: Where it is said, *That if the Commons grant Tonnage and Poundage to endure for four Years, and the Lords grant it but for two Years, it shall not be carried back to the Commons, because it may stand with their Grant, but must be so enrolled*. And that the Lords have made Amendments and Alterations in the Bills, granting *Tonnage and Poundage*, appears by that Statute of the first of Edw. VI. and the first of Queen Elizabeth even in the very point now in dispute, such Amendments as do lessen the Sum of the King, as the 1st of Hen. VIII.

The PROVISIO itself was read at the Conference.

* We have seriously consulted our Judgments and Reasons to find Objections, if it were possible, against the Power of the Lords, and are so far from finding any, that we are fixed in Opinion, that the want of it would be destructive to the Government, and Peace of the Kingdom, and the Right of the Crown, in balancing and regulating of Trade, and making and preserving Leagues and Treaties with foreign Princes and States; and the Exercise of it cannot but be for the Security of all, and for the Ease, benefit, and satisfaction of the Subject.

* Their

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‘ Their Lordships are very far from designing to obstruct this Gift, no not for a Moment of time, much less for ever, as was hinted to them at the last Conference: And therefore they desire the *House of Commons* to lay it to heart and consider, if it should so happen (which they heartily wish it may not) that there should be an Obstruction upon occasion of this Difference at whose door it must lie; theirs, that assume to themselves more than belongs to them, to the prejudice and diminution of the others Right; or theirs, that do only exercise that just and lawful Power, which, by the very Nature and constant Practice of Parliament is, and for many Ages hath been, vested in both Houses.

‘ Their Lordships had under Consideration and Debate the desiring a free Conference with your House, upon the Reasons of the Amendments in Difference between the Houses; but when they found that you had interwoven your general Position with every Reason you had offered, as for your particulars, it seemed to them that your Judgments were prepossessed, and they hold it vain, and below the Wisdom of Parliament, to reason or argue against fixed Resolutions, and upon Terms of Impossibility to persuade; and have therefore applied themselves only to that Point, which yet remains an Impediment in the way of free and Parliamentary Debates and Conferences, which must necessarily be first removed, that so we may come to a free Conference upon the Bill itself, and part with a fair Correspondence between the two Houses.’

Third Conference.

This third Conference was the 22d of April, 1671. The Earl of Anglesey begun the Report of the Conference: Who said,

That Mr. Attorney (Sir Heneage Finch) told t^em, that, because the Matter is of moment, the House of Commons have trusted none to give their Words but themselves; and, therefore, have ordered it to be in Writing, which is as follows, viz.

The Sense of the Commons.

The Commons have desired this Conference, to preserve a good Correspondence with the House of Peers, and to prevent the ill Consequences of those Misunderstandings which may possibly interrupt the happy Conclusion of this Session, and of all future Parliaments too, if they be not very speedily removed: Wherein the Commons are not without Hopes of giving your Lordships full Satisfaction in the Point in question, and that without shaking any Foundations; unless it be such as no Man should lay, much less build upon, the Foundation of a perpetual Disension between the two Houses Three things did surprize the Commons at a former Conference, concerning the Bill for an additional Imposition on several foreign Commodities.

1. That where they expected a Discourse upon some Amendments to that Bill, they met with nothing but a Debate of the Liberties of their House, in the Matter, Measure and Time of Rates upon Merchandize, with a kind of Demand that those Liberties might be deliver'd up to your Lordships, by our public Acknowledgments, before there should be any farther Discourse upon that Bill.

2. That your Lordships should declare so fixed and settled a Resolution in this Point, before you had so much as heard what could be replied in Defence of the Commons.

3. And lastly, That your Lordships should be so easily induced to take this Resolution, if there be not other Motives for it than those Precedents and Reasons, which your Lordships have been pleased to impart to us.

The Commons confess, that the best Rule for deciding of Questions of Right between both Houses, is the Law and Usage of Parliaments: and the best Evidence of that Usage and Custom of Parliaments, are the most frequent and authentic Precedents: Therefore the Commons will first examine the Precedents your Lordships seem to rely upon, then they will produce those by which their Right is asserted; and in the last place, they will consider the Reasons upon which your Lordships ground yourselves.

By the Nature of Precedents, which your Lordships produce, there is an evident Departure from the question, as the former Conference left it: There the Doubt was narrowed to this single Point, *viz.* Whether your Lordships would retrench or abate any Part of the Rates which the Commons had granted upon Merchandize; here the Precedents do go to a joint Power of imposing and beginning of Taxes, which is a Point we have not yet heard your Lordships to pretend to, tho' this present Difference prepares way for it. Therefore either these prove too much, by proving a Power of imposing, or they prove nothing at all, by not proving a Power of lessening.

And yet they do not prove a Power of imposing neither, for those Words, (*the Lords and Commons grant*) must either be understood *reddendo singula singulis*; that is, the Lords grant for themselves, and the Commons grant for Counties, Cities and Boroughs, whom they represent, or else the Word (*Grant*) must be understood only by the Lords Assent to what the Commons grant: because the Form of Law requires, that both join in one Bill, to give it the Force of a Law.

This answers the Statute of *Magna Charta*, cap. 37. and those few Instances where it is said, *The Lords and Commons grant*, *viz.* 47 Ed. III. N. 10. 4 R. II. N. 10, 11, 12, 13, 14. 6 R. II. N. 14. But what Answer can be given to those

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ancient and modern Precedents and Acts where the Grant moves, and is acknowledged to come from the Commons alone, of which a multitude shall be herein after mentioned? The Case of the 14th of Ed. III. N. 5. *Après Grand trete et pleance entre lez Grantz. et Chevaliers et Communs fuit assentu*, &c. is no Grant of the ninth Sheaf, as your Lordships cited it to be; but an Agreement, that the *Nones*, granted in a former Parliament, should now be sold, because the Money came not in fast enough. The 22d of Ed. III. N. 5. which your Lordships cited to prove that the King did sometimes command the Lords to consult with the Commons about raising of Money, proves little of that; but it proves expressly, that the Commons granted three fifteenths; and as the Grant runs wholly in their Names, so the Record is full of many Reasons why they would grant no more, and upon what Conditions they granted so much. Tho' they seem to make a Shew in your Lordships Part, yet they prove two things of great Importance to the Commons.

1. That all Aids must begin with the Commons, else the Lords needed not to have conferred about the Aids, but might have sent down the Bill.

2. That when they are begun, the Lords can neither add nor diminish, else it was in vain to adjust the Matter by private Conference beforehand, if the Lords could have reformed it afterwards, which shews what little Service the Records of 29 Ed. III. N. 11. 51 Ed. III. N. 18. can do: your Lordships in the present Question. From the Time of Richard II. your Lordships came to the seventh of Jac. to tell us of the Treaties between the Lords and Commons, touching the Contract for *Tenures in Capite*; wherein the Lords being to be Purchasers, it was less subject to Objection, to confer both of the Method, and Manner how the Price agreed might be paid, for the Satisfaction of the King: But this Matter hath so little Affinity with the present Question of lessening Rates upon Merchandize given by the Commons, that nothing but a Scarcity of Precedents could ever have persuaded your Lordships to make use of this Instance.

As for the Precedent of 3 Ed. I. cited by your Lordships, the Commons have most reason to reply upon that Case. Your Lordships say, that in the beginning Impositions, when 40s. upon a Sack of Wool was granted to Ed. I. and his Heirs, the Lords joined in the Grant; for the Words are, *Magnates, Prelati, & tota Communitas concesserunt*, wherein are these Mistakes.

1. That the Record was not a Grant of 40s. upon a Sack of Wool; as your Lordships suppose, but a reducing of 40s. upon a Sack, which Edw. 1. took before *Magna Charta* was confirmed, to half a Mark, viz. 6s. 8d. per Sack; and it

was at the Prayer of the Commons, as some Books say, and Anno 25 Card. cite for it. 3 Ed. I. M. 24. 1671.

2. That Record which your Lordships cite, is twice printed, once in the second Part of the *Institutes*, page 531. and again in the fourth Part of the *Institutes*, page 29. And by both those Places it is evident, that the *concefferunt* is only to be applied to the *tota Communitas*, and not to the *Magnates*; for this was a Grant only of the Commons, and not a Grant of the Lords: And to demonstrate this beyond all possibility of Scruple, the printed Books do refer to Statute the 25th Ed. I. cap. 7. called *Confirmationes Chartarum*; wherein it is expressly declared by Act of Parliament; for by the last Statute it appears, that the *male tote* of 40s. was again demanded by Edw. I. and was therefore now abrogated, saving to the King and his Heirs the Demy-Mark upon a Sack of Wool, granted by the Commonality, which is the very same Grant of the 3d Ed. I. cited by your Lordships in the present Question: But this is also a convincing Evidence, that those Words (the Lords and Commons grant) are Words of form, and made use of in such Cases, where the Grant did certainly proceed from the Commons alone. And, to clear this Precedent, we pray your Lordships to take notice of the Statute of the 2d and 3d of Ed. VI. cap. 36. where a Relief is given to the King by Parliament, and in the Title of the Act (as also in the Body of the Act) it is called all along, *the Grant of the Lords and Commons*; yet in the 3d and 4th of Ed. VI. cap. 23. this former Act is rejected, and there it is acknowledged to be only a Grant of the Commons.

And as for the Case of the 9th of Hen. IV. called, *the Indemnity of the Lords and Commons*, these Things are evidently proved by it

1. That it was a Grievance to the Commons, and a Breach of their Liberty, for the Lords to demand a Committee to confer with them about Aids.

2. That the Lords ought to consider by themselves apart.

3. That no Report should be made to the King of what the Commons have granted and the Lords assented to, till the Matter be perfected; so that a plain Declaration is made, that the Commons grant, and the Lords assent.

4. That the Gift ought to be presented by the Speaker of the Commons.

The Book-Case of 33 of Hen. VI. cap. 17. is the weakest of all, for the Words are *C. Si les Communs grant*, p. 4. *Ann. Et Sames, 4. ceo sera reliver.*

1. Now, this was no Opinion of any Judge, but only of Kirby, Clerk de Parliament.

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2. This was a Case, put by the by, and not pertinent to the Matter in hand.

3. 'Tis impossible to be Law, being against the constant Usage, and Practice of Parliament; for then your Lordships may not only lessen the Rates and Time, but you may chuse whether you will send us the Bill or no back again with Amendments, which was never heard of; and if that may be, why was it done so now?

4. That Clerk says your Lordships may increase Impositions too; which Part of the Case you thought not fit to cite, because you pretend not to it.

5. Brook, Parliament 7. puts a Query upon the Case, as it deserved; but if the Law-Books are to be heard in this Case, 30 Hen. VIII. *Dier. 43. in judicial Authority*; where Subsidy is defined to be a Tax assesse *per Parl. et gre al Roy per les Communs durant VII. de che Roy tauta per la Defence de Merchants sur le mere.*

The Provisos in the Bill, 1 Hen. VIII. which your Lordships seem mainly to rely upon, we conceive to be of no force at all, unless it be against your Lordships; for, as it appears by your Lordships Journals, the Case was this: The Bill itself did not pass the 3d Hen. VIII. and upon the 43d Day of the Parliament, the Lords assented to it; afterwards, upon the 45th Day, two Provisos came in, one touching the Merchants of the Staple of Calais; both were signed by the King and the Lord Chancellor; and the Bishop of Winton did declare, that the signing of those Provisos by the King's own Hand was enough, without the Consent of either House: So that the Additions of those Provisos prove nothing for which your Lordships cited them, because,

1. They were signed by the King.

2. They were brought against the Course of Parliament, after the Bill passed.

3. The Provisos were nothing but a Saving of former Rights usually considered in former Acts of that nature.

4. Your Lordships Journals declare, that the King, without these Provisos, might have done the same thing by the Prerogative.

Only this may be fit to be observed by the way; that as the Bill was a Grant of the Commons alone, so the Thanks for the Bill were given to the Commons alone; and so it appears upon the Indorsement of that Record.

The Precedents for the Commons, which on the sudden we find (for we have had but few Hours to search) are all these following, *viz.*

11 Ed. I. *Walsingham, 486. Populus dedit Regi tricessimam partem Bonorum.*

25 Ed. I. *Walsingham*, 485. *Populus dedit denarium Nom.*
7 Hen. IV. *Walsingham*, 566. *Postquam Milites Parlamentales
dis diffultissent concedere Regi Subsidium, in fine tamen fracti con-*
cessere.

6 Hen. IV. *Walsingham*, 564. *Subsidium denegatum fuit, pro-*
scribis renitentibus. So hitherto when granted, the Com-
mons give it; when denied, the whole Bill is rejected, never
abated.

1 Ed. III. Stat. C. 6. The Commons griev'd, that when
they granted an Aid and paid it, the Taxes were revived.

18 Ed. III. C. 1 Stat. at large, *The Commons grant two Fif-*
teenthhs, the great Men grant nothing, but go in Person with the King.

36 Ed. III. C. 11. The King, having regard to the Grant
made by the Commons, for three Years, of Wool and Lea-
ther, grants, that no Aids be levied but by Consent of Par-
liament.

21 R. II. N. 75. Is the first Grant of Tonnage and Poun-
dage for Life, and it was given by the Commons alone.

2 Hen. VI. N. 14. The Commons grant Tonnage and
Poundage for two Years.

31 Hen. VI. N. 7, 8, 9, 10. The Commons grant Ton-
nage and Poundage for Life.

8 Ed. IV. N. 30. The Commons grant two Tenths and
two Fifteenthhs.

12 Ed. IV. C. 3. The Grant of Tonnage and Poundage
for Life is recited to be by the Commons, and most of the
Rates mentioned in the Bill.

The Wars of York and Lancaster are so far from weaken-
ing these Precedents, that they strengthen them rather; for
no Man can think the Lords were then in less Power, or
less careful of their Right than your Lordships are now:
Wherefore, if in those Days those Forms were approved by
those mighty Men, it is a sign the Right is clear.

1 Hen. VIII. The Commons by Assent of the Lords grant
Tonnage.

15 Hen. VII. In Ireland was the first Grant of Tonnage
and Poundage, but it is said, *at the Prayer of the Commons it*
is enacted; which in a Kingdom, where they are not tied to
Forms, shews the clear Right.

We your poor Commons by Advice, &c. grant: And also it
avers the Right, time out of mind to be in the Commons.
This Stat. 1 Eliz. cap. 19. gives us occasion to put your
Lordships in mind of another Precedent, which appears in
your Journal; for, while this Bill was passing, the Inhabitants
of Cheshire and Wales petitioned the Lords upon the second
Reading, that for as much as they were subject to pay the
Queen a certain Duty called *Miser*, that therefore they might
be excused of the Subsidy, and abated their Part of it.

1 Ed. VI. cap.
13. 1 M. Cap.
8. 1 Eliz. cap.
19.

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The Lords, who then knew they had no Power to diminish any Part of the Aid granted by the Commons, did therefore address themselves to the Queen in their behalf. The Queen commanded an Entry to be made in the Journal of the House of Lords, That she was pleased the Cheshire-men and Welsh-men should be respited the *Mises* when they pay Subsidies, and respited the Subsidies when they pay *Mises*: Which as it is a strong Proof that the Commons alone grant, so no body can diminish their Grant, else what need had the Lords to apply themselves to the Queen for it?

17 Car. I. Tonnage and Poundage was granted once for a Month, then again for three Months, but still the Grant was by the Commons in those Days, how tumultuous soever; the Commons did not rise against the Lords, they agreed well enough.

In short, all these Grants were of the Commons, yet none of these Bills were ever varied by your Lordships, or your Predecessors, which, if there had been such a Right, would some time or other have been exercised, tho' in very small Values, purposely to preserve that Right.

Thus an uninterrupted Possession of this Privilege ever since the 9th of Hen. IV. confirmed by a Multitude of Precedents both before and after, not shaken these 300 Years, is now required to be delivered up, or an end to be put to all farther Discourse; which Opinion, if it be adhered to, is, as much as in your Lordships lies, to put an end to all future Transactions between the Houses in Matters of Money, which we pray your Lordships to consider.

The Reasons offered by the House of Commons, are these:

Reasons offer'd
by the Com-
mons.

1st. Because there appears not to the Commons any colour, from the Precedents cited by your Lordships, why your Opinion should be so fixed in this point, we suppose the main Defence is in the Reasons that have been given for it.

That Paper begins with an observation, that your Lordships have neither Reason nor Precedent offered by the Commons to back their Resolution, and yet concludes with an answer to a Precedent then cited by the House of Commons, *viz.* The Act of Tonnage and Poundage, now in force; and if your Lordships had but one Precedent then, you have now a great Number beside; of these, 3 Ed. I. 1 Hen. VIII. 9 Hen. IV. and divers others your Lordships furnished us with.

Before the Commons answer to your Lordships Reasons in particular, they desire to say first in general, that it is a very unsafe thing in any settled Government, to argue the Reasons of the fundamental Constitutions; for that can tend to nothing that is profitable for the whole.

And this will more sensibly appear to your Lordships, if the Grounds and Foundations of Judicature be examined; for there are several Precedents in Parliament, and some in Book Cases, which prove, that Judicature is not to be exercised by all the Lords, but only by such as the King is pleased to appoint; so is the Book Case of 22 Ed. III. N. 3. A. B. And so in Parliament Roll, 25 Ed. III. N. 4. Several other Precedents, where the Commons, by the King's good Pleasure, have been let into a share of the very Judicature, are 42 Ed. III. N. 20, 21. 31 H. VI. N. 10. 8 of Ed. IV. Hugh Price's Case in the Rolls of Parliament.

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N.B. Some Precedents there are, where it was assigned for Error in the House of Peers, that the Lords gave Judgment without Petition, or Assent of the Commons: so is 2 H. V. N. 13.

Would your Lordships think it safe, that a Dispute should now be made of the very Rights of Judicature because we have such Precedents?

If Usage for so long a time hath silenced all disputes touching your Lordships Judicature, shall that Usage be of no Force to preserve the Privilege of the Commons from all farther Questions?

Also there is a Precedent of an Act of Parliament passed by the King and Commons alone, without the Lords, viz. 1 Ed. VI. 65. and that twice approved, viz. 1 Eliz. cap. 17. and the 5th of Eliz. cap. 19. which both allow and commend this Act.

Shall we therefore argue the Foundations of the Legislature, because we have such Precedents? But to come to particulars; your Lordships first Reason is from the Happiness of the Constitution, That the two Houses are mutual Checks upon each other.

Answer. So they are still, for your Lordships have a Negative to the whole; but, on the other side, it would be a double Check on his Majesty's Affairs, if the King may not rely upon the *Quantum*, when once his People have given it; therefore the Privilege, now contended for by your Lordships, is not of use to the Crown, but much the contrary.

2. Your Lordships Reason, drawn from the Writ of Summons, is as little concluding; for though the Writ does not exclude you from any Affairs, yet it is only, *de quibusdam arduis negotiis*, and must be understood of such as by Course of Parliament are proper, else the Commons upon the like Ground may entitle themselves to Judicature, for they are also called to treat *de quibusdam arduis*.

3. Your Lordships also proceed to demand, where that Record or Contract in Parliament is to be found, where the Lords appropriate this Right to the Commons in exclusion of themselves?

Answer.

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Answer. To this rhetorical Question the Commons pray they may answer by another Question; where is that Record or Contract, by which the Commons submitted, that Judicature should be appropriated to the Lords, in exclusion to themselves? Where-ever your Lordships find the last Record, they will shew the first endorsed upon the Back of the same Roll.

Truth is, Precedents there are, where both sides do exercise their several Rights, but not how either side came by them.

4. If the Lords may deny the whole, why not a part? else the Commons may pretend at last against the Lords Negative Voice.

Answer. The King must deny the whole of every Bill, or pass it; yet this takes not away his Negative Voice. The Lords and Commons must accept the whole general Pardon, or deny it, yet this takes not away their Negative.

The Clergy have a Right to tax themselves, and it is a part of the Privilege of their Estate; doth the upper Convocation-House alter what the lower grants; or do the Lords ever abate any part of their Gifts? Yet they have a Power to reject the whole. But if Abatement should be made, it would insensibly go to a raising, and deprive the Clergy of their ancient Rights to tax themselves.

5. Your Lordships say, Judicature is undoubtedly ours; yet in Bills of Judicature, we allow the Commons to amend and alter, why should not the Commons allow us the same Privilege in Bills of Money?

Answer. If Contracts were now to be made for Privileges, the Offer might seem fair, but yet the Commons should profit little by it; for your Lordships do now industriously avoid all Bills of that nature, and chuse to do many things by your own Power, which ought to be done by the Legislative; of which we forbear the Instances, because your Lordships, we hope, will reform them; and we desire not to create new differences, but to compose the old.

6. Your Lordships say, you are put to an ignoble Choice, either to refuse the King's Supplies when they are most necessary, or to consent to such Ways or Propositions, which neither your own Judgment, nor the Good of the Government or People can admit.

Answer. We pray your Lordships to observe, that this Reason first makes your Lordships Judgments to be the measure of the Welfare of the Commons of England.

2dly. It gives you Power to raise and increase Taxes, as well as to abate; for it may be sometimes your Lordships Judgments, that it is for the Interest of Trade to raise and increase a Rate, and then still you are brought to the same ignoble Choice, unless you may raise the Tax.

But

But it is a very ignoble Choice put upon the King and his People, that either his Majesty must demand, and the Commons give so small an Aid as can never be diminished, or else run the hazard of your Lordships Examination of the Rates, whose Proportion in all Taxes, in comparison to what the Commonalty pay, is very inconsiderable.

7. If positive Assertions can introduce Right, the Lords have no Security, but the Commons may extend their Rights as they judge it necessary or expedient.

Answer. We hope no Assertions or Denials, though never so positive, shall give or take away Right; but we rely upon usage on our side, and non-usage on your Lordships part, as the best evidence, by which your Lordships or we can claim any Privilege.

8. Your Lordships profess a desire, to raise our esteem with his Majesty and the whole Kingdom, but not by the undervaluation of the House of Peers.

Answer. We have a great Confidence in his Majesty's Goodness, that nothing can lessen his Esteem of our dutiful Affections to him; and we hope we deserve so well of our Country, by our deportment towards his Majesty, that we shall not need your Lordships recommendations to any, who wish well to his Majesty, or the present Government; but we are so far from wishing to raise an Esteem by any diminution of your Lordships Honour, or Privileges, that there never was any House of Commons, who ever had a more just and true Respect for that noble Constitution of a House of Peers; of which your Lordships have had frequent Instances, by our consenting to several Clauses in Bills for securing and improving your Lordships Privileges.

We are sorry to see your Lordships undervalue the Precedent of this last Act of Tonnage and Poundage, because if it were an Act of the last Convention, 'twas confirmed in this.

And because the Right of the Commons, there asserted, was pursuant to a former Precedent in 1642, and possibly had not passed so, if the younger Members of that Convention had not learned from some of those great and noble Lords, who now manage the Conference for your Lordships, and were then Commoners, that this was the undoubted Right of the Commons.

To conclude; The Commons have examined themselves and their Proceedings, and find no cause why your Lordships should put them in mind of that Modesty their Ancestors shewed, who always paid a great deference to the Wisdom of the Lords; for they resolve ever to observe the Modesty of their Ancestors, and doubt not but your Lordships will also follow the Wisdom of yours.

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To these the Lords proceeded to make some replies: and, particularly, as to their having no Power to alter the Subsidies of the Clergy, nor an Act for a general Pardon; they said, these were things eccentric to Parliaments, and had their Motion in another Sphere: The Convocation gave one, and the King of his free Grace bestowed the other; and the Parliament only gave them the force of Law, and might chuse whether they would do it or not; and consequently this was no ways to the case in dispute. But to read the Commons Money-Bill three times in their House, and to commit it, without any Power of debating upon it, was a solemn piece of Pageantry, beneath the Dignity of a Parliament. As to the point of Judicature, they alledged, it belonged to the Peers before the very being of a House of Commons, rather as the grand Council of the Nation, than as part of the Parliament; and being vested in the King, as well as themselves, might possibly exist without the sitting of a Parliament. As to Precedents they alledged, we have several for us; but it were enough for our Justification, if there be none against us; and there could be but one of these kinds, either that we have of ourselves disclaimed such a Power, or that it hath been denied them when they have claimed it; and whosoever sheweth one of either, *Erit nobis magnus Apollo*.

But before they could finish their Arguments, or put any period to this great Controversy, on the 22d of April, his Majesty, who had been used to cut those Knots that were not easily unt'y'd, came to the House of Peers, in order to a Prorogation. But before that, the two Houses found so much time as to present his Majesty with an Address, 'That his Majesty wou'd be graciously pleas'd, by his own Example, to encourage the constant wearing of the Manufactures of his own Kingdom and Dominions, and discountenance the Wear of any Manufactures made in foreign Countries.' His Majesty very graciously accepted their humble Motion, and was pleas'd to declare, 'That he willingly comply'd with their Desires therein; and did assure them, that as he had already put it in practice in his own Person, so he wou'd for the future take care, that it shou'd be observed by himself, and those of his Family.' After which he gave his Royal Assent to the several Bills that were presented to him, fourteen private Acts, and eighteen public; of which last were,

1. *An Act to prevent the Delivery up of Merchant Ships, and for the Increase of good and serviceable Shipping.*
2. *An Act for exporting of Beer, Ale, and Mum.*
3. *An Act for laying Impositions on Proceedings at Law.*
4. *An Act for the better settling of intestate Estates.*
5. *An Act for determining of Differences touching Houses burnt within four Years since the late dreadful Fire of London.*
6. *An additional Act for ascertaining the Measures*

The Commons
Address.

The King's
Answer.

He passes several
Acts.

tures of Corn and Salt. 7. *An Act for the more certain Recovery of Fines and Forfeitures due to his Majesty.* 8. *An Act for the better paving and clearing the Streets and Sewers in and about London.* 9. *An Act for the Relief and Release of poor Prisoners for Debt.* 10. *An Act for the Discovery of such as have defrauded the Poor of London of the Monies given them at the Times of the late Plague and Fire.* 11. *An Act for the better regulating of Work-Houses, for setting the Poor on work.* 12. *An Act for the better Settlement of the Maintenance of the Parsons, Vicars and Curates in the Parishes of London, burnt by the late dreadful Fire.* 13. *An Act for vesting certain Fee-Farm Rents, and other small Rents, in Trustees.* 14. *An Act to prevent Frauds in the buying and selling Cattle in Smithfield and elsewhere.* 15. *An Act for the better preservation of the Game, and for securing Warrens not enclosed, and the several Fishings of the Realm.* 16. *An Act for the taking Accounts of sixty thousand Pounds, and, other Moneys, given to the loyal, indigent Officers.* 17. *An Act to prevent the planting Tobacco in England, and for regulating the Plantation Trade.* 18. *An Act to revive a former Act, entitled, An Act to prevent the Disturbances of Seamen and others, and to preserve the Stores belonging to his Majesty's Royal Navy.* Upon passing these Acts, his Majesty without any Speech, prorog'd the Parliament.

On the fourth Day of February, both Houses met according to Prorogation, and Sir Edward Turner, the last Speaker of the House of Commons, having been made Lord-Chief-Baron of the Exchequer, the first thing they did was the Choice of a new Speaker; to this end Sir Job Charleton Serjeant at Law was recommended to them, and unanimously elected. Who, being presented to the King, desir'd to be excus'd from so difficult and weighty a Concern; but the Lord Chancellor Shaftesbury in another Speech to him, let him know that no Excuses wou'd be admitted, and particularly said in the presence of the King and both Houses, 'The Conjunction of Time, and the King's and Kingdom's Affairs require such a House of Commons, such a Speaker; for with Reverence to the Holy Scripture, the King may upon this Occasion say, He that is not with me, is against me: For he that doth not now put his Hand and Heart to support the King in the common Cause of this Kingdom, can hardly ever hope for such another Opportunity, or find a time to make Satisfaction for the Omission of this.'

Immediately after, his Majesty from the Throne made this following Speech to both Houses of Parliament:

' My Lords and Gentlemen,

' I Am glad to see you here this Day; I would have called you together sooner, but that I was willing to

X 2

' case

The eleventh Session of the Second Parliament.

Sir Job Charleton the new Speaker.

The King's Speech to both Houses.

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ease you and the Country, till there was an absolute Necessity. Since you were last here, I have been forc'd to a most important, necessary and expensive War; and I make no doubt but you will give me suitable and effectual Assistance to go through with it. I refer you to my Declaration for the Causes, and indeed the Necessity of this War; and shall now only tell you, that I might have digested the Indignities to my own Person, rather than have brought it to this Extremity, if the Interest, as well as the Honour of the whole Kingdom had not been at stake: And if I had omitted this Conjunction, perhaps I had not again ever met with the like Advantage. You will find the last Supply you gave me did not answer the Expectation for the End you gave it, the Payment of my Debts. Therefore I must in the next place recommend them again to your especial Care.

Some few Days before I declared the War, I put forth my Declaration for Indulgence to Dissenters, and have hitherto found a good Effect of it, by securing Peace at home, when I had War abroad. There is one Part in it that hath been subject to Misconstruction, which is that concerning the Papists; as if more Liberty were granted to them, than to the other Recusants; when it is plain there is less: For the others have public Places allow'd them, and I never intended that they shou'd have any, but only have the Freedom of their Religion in their own Houses, without any Concourse of others. And I cou'd not grant them less than this, when I had extended so much more Grace to others, most of them having been Loyal, and in the Service of me, and of the King my Father; and in the whole Course of this Indulgence, I do not intend that it shall any way prejudice the Church, but I will support it in its Rights, and in its full Power. Having said this, I shall take it very ill to receive Contradiction in what I have done. And I will deal plainly with you, I am resolv'd to stick to my Declaration. There is one Jealousy more that is maliciously spread abroad, and yet so weak and frivolous, that I once thought it not of moment enough to mention; but it may have gotten some ground with some well-minded People, and that is, that the Forces I have rais'd in this War were design'd to controll Law and Property: I wish I had had more Forces last Summer, the want of them then convinces me I must raise more against the next Spring; and I do not doubt but you will consider the Charge of them in your Supplies. I will conclude with this Assurance to you, that I will preserve the true Reformed Protestant Religion, and the Church as it is now establish'd in this Kingdom; and that

no Man's Property or Liberty shall ever be invaded. I leave the rest to the Lord Chancellor.

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The Lord
Chancellor
Shaftsbury's
Speech.

Who spoke as follows: ' My Lords, and you Knights, Citizens and Burgeses of the House of Commons, the King hath spoken so fully, so excellently well, and so like himself, that you are not to expect much from me. There is not a Word in his Speech that hath not its full Weight: And, I dare with Assurance say, will have its Effect with you. His Majesty had called you sooner, and his Affairs required it, but that he was resolv'd to give you all the Ease, and Vacancy to your own private Concerns; and the People as much Respite from Payments and Taxes, as the Necessity of his Business, or their Preservation wou'd permit. And yet (which I cannot but here mention to you) by the crafty Insinuations of some ill-affected Persons, there have been spread strange and desperate Rumours, which your meeting together this Day hath sufficiently prov'd both malicious, and false. His Majesty hath told you, that he is now engag'd in an important, very expensive, and indeed a War absolutely necessary, and unavoidable. He hath refer'd you to his Declaration, where you will find the personal Indignities by Pictures, and Medals, and other public Affronts, his Majesty hath receiv'd from the States; their Breach of Treaties both in the Surinam, and the East-India Business: And at last they came to that height of Insolence, as to deny the Honour and Right of the Flag, tho' an undoubted Jewel of this Crown, never to be parted with, and by them particularly own'd in the late Treaty of Breda, and never contested in any Age. And whilst the King long expected, and then solemnly demanded Satisfaction, they disputed his Title to it in all the Courts of Christendom, and made great Offers to the French King, if he wou'd stand by them against us. But the most Christian King too well remember'd what they did at Munster, contrary to so many Treaties, and solemn Engagements; and how dangerous a Neighbour they were to all Crowned Heads: The King and his Ministers had here a hard Time, and lay every day under new Obloquies. Sometimes they were represented as selling all to France for Money, to make this War: Portsmouth, Plymouth and Hull, were to be given into the French Hands for Caution. The next Day's News came, that France and Holland were agreed. Then the Obloquy was turn'd from Treachery to Folly: The Ministers were now Fools, that some days before were Villains. And indeed the Coffee-Houses were not to be blam'd for their last Apprehensions; since if that Conjunction had taken effect, then England had been in a far worse Case than now it is, and the War

had

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had been turn'd upon us. But both Kings knowing their Interest, resolv'd to join against them, who were the common Enemies to all Monarchies, and I may say especially to ours, their only Competitor for Trade and Power at Sea; and who only stand in their way to an Universal Empire, as great as Rome. This the States understood so well, and had swallow'd so deep, that, under all their present Distress and Danger, they are so intoxicated with that vast Ambition, that they slight a Treaty, and refuse a Cessation. All this you and the whole Nation saw before the last War; but it cou'd not then be so well timed, or our Alliances so well made. But you judg'd aright, That at any rate, *Delenda est Carthago*, that Government was to be brought down. And therefore the King may well say to you, It is your War! He took his Measures from you, and they were just and right ones: And he expects a suitable Assistance to so necessary and expensive an Action; which he has hitherto maintain'd at his own Charge, and was unwilling either to trouble you, or burden the Country, until it came to an inevitable Necessity. And his Majesty commands me to tell you, that unless it be a certain Sum, and speedily rais'd, it can never answer the Occasion.

My Lords and Gentlemen, Reputation is the great Support of War or Peace. This War had never begun, nor had the States ever slighted the King, or ever refused him the Satisfaction, neither had this War continu'd to this day, or subsisted now, but that the States were deceiv'd in their Measures, and apprehended that his Majesty, in that great want of Money, must sit down under many Affronts, and was not able to begin or carry on a War. Nay, at this day the States support themselves amongst their People by this only Falshood, *that they are assured of the Temper of England, and of the Parliament, and that you will not supply the King in this War; and that if they can hold out till your Meeting, they will have new Life, and take new Measures.* There are lately taken two of their principal Agents, with their Credentials and Instructions to this purpose, who are now in the Tower, and shall be proceeded against according to the Law of Nations. But the King is sufficiently assured of his People; knows you better; and can never doubt his Parliament. This had not been mention'd, but to shew you of what Importance the Frankness, and Seasonableness of this Supply is, as well as the Fulness of it. Let me say, the King has brought the States to that Condition, that your hearty Conjunction, at this Time, in supplying his Majesty, will make them never more formidable to Kings, or dangerous to England. And if after this you suffer them to get up, let this be remember'd, *The States of Holland are England's equal Enemy, both by Interest, and Inclination.* In the next place,

place, to the Supply for carrying on the War, his Majesty recommends to you the taking care of his Debts. What you gave the last Session did not near answer your own Expectation. Besides, another considerable Aid you design'd his Majesty, was unfortunately lost in the Birth; so that the King was forc'd, for the carrying on his Affairs, much against his Will, to put a stop to the Payments out of the Exchequer. He saw the Pressures upon himself, and growing Inconveniencies to his People by great Interest; and the Difference, through all his Business, between ready Money, and Orders. This gave the King the Necessity of that Proceeding; to make use of his own Revenue, which hath been of so great Effect in this War. But tho' he hath put a Stop to the Trade and Gain of the Bankers, yet he would be unwilling to ruin them, and oppress so many Families as are concern'd in those Debts: Besides, it were too disproportionable a Burden upon many of his good Subjects. But neither the Bankers, nor They, have reason to complain, if you now take them into your Care, and they have paid them what was due to them, when the Stop was made, with Six *per Cent.* Interest from that Time. The King is very much concern'd both in Honour and Interest, to see this done. And yet he desires you not to mis-time it; but that it may have only the second Place, and that you will first settle, what you intend about the Supply.

His Majesty has so fully vindicated his Declaration from that Calumny concerning the Papists, that no reasonable-Scruple can be made by any good Man. He has sufficiently justify'd it by the Time it was publish'd in, and the Effects he hath had from it; and might have done it more from the Agreeableness of it, to his own natural Disposition, which no good English-Man can wish other than it is. He loves not Blood, or rigorous Severities; but where mild or gentle Ways may be used by a wise Prince, he is certain to chuse them. The Church of England, and all good Protestants have reason to rejoice in such a Head, and such a Defender. His Majesty doth declare his Care, and Concerns for the Church, and will maintain them in all their Rights and Privileges, equal, if not beyond any of his Predecessors. He was born, and bred up in it: It was that his Father died for: We all know how great Temptations and Offers he resisted abroad, when he was in his lowest Condition; and he thinks it the Honour of his Reign, *That he hath been the Restorer of the Church*: 'Tis That he will ever maintain, and hopes to leave to Posterity, in greater Lustre, and upon surer Grounds, than our Ancestors ever saw it. But his Majesty is not convinc'd that violent Ways are the Interest of Religion, or the Church. There is one Thing more, that I am

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commanded to speak to you of, which is the Jealousy that hath been foolishly spread abroad, of the Forces the King hath rais'd in this War. Wherein the King hath open'd himself freely to you, and confess'd the Fault of the other hand. For, if this last Summer had not prov'd a Miracle of Storms and Tempests, such as secured the East-India Fleet, and protected their Sea-Coast from a Descent, nothing but the true Reason, *Want of Money*, could have justify'd the Defect in the Number of our Forces. 'Tis that his Majesty is providing for against the next Spring, having given out Orders for raising of seven or eight Regiments more of Foot, under the Command of Persons of the greatest Fortunes and Quality. And I am earnestly to recommend to you, That, in your Supplies, you will take into your Consideration this *Necessary Addition of Charges*.

The Conclusion
of it.

And after his Majesty's Conclusion of his Speech, let me conclude, nay let us all conclude with blessing God, and the King: Let us bless God, That he hath given us such a King to be the Repairer of our Breaches both in Church and State; and the *Restorer of our Paths to dwell in*: That in the midst of War and Misery, which rages in our neighbour Countries, *our Garners are full, and there is no Complaining in our Streets*; and a Man can hardly know that there is a War. Let us bless God, that he hath given this King signally the Hearts of his People, and most particularly of his Parliament, who in their Affection and Loyalty to their Prince, have exceeded all their Predecessors. A Parliament with whom the King hath many Years liv'd with all the Caresses of a happy Marriage. Has the King had a Concern? You have wedded it. Has his Majesty wanted Supplies? You have readily, chearfully, and fully provided for them. You have rely'd upon the Wisdom and Conduct of his Majesty in all his Affairs; so that you have never attempted to exceed your Bounds, or to impose upon him: Whilst the King, on the other hand, hath made your Counsels the Foundations of all his Proceedings; and hath been so tender of you, that he hath, upon his own Revenue and Credit, endeavoured to support even foreign Wars, that he might be least uneasy to you, or burdensome to his People. And let me say, That tho' this Marriage be according to Moses's Law, where the Husband can give a Bill of Divorce, put her away, and take another; yet I can assure you, it is as impossible for the King to part with *This Parliament*, as it is for you to depart from that *Loyalty, Affection and Dutiful Behaviour*, you have hitherto shewn towards him. Let us bless the King for taking away all our Fears, and leaving no room for Jealousies; for those Assurances, and Promises he hath made us. Let us bless God and the King, that our Religion

Religion is safe; That the Church of England is the Care of our Prince; That Parliaments are safe; that our Properties and Liberties are safe. What more hath a good English Man to ask, *but that this King may long reign, and that this Triple Alliance of King, Parliament and People, may never be dissolv'd?*

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Neither this Speech, nor the Chancellor who deliver'd it, were then agreeable to the House: He having issued out Writs under the Broad-Seal, for filling up such Vacancies as had happen'd in the House since the last Session, which they look'd upon as injurious to their Privileges, and warmly complain'd of, even before their own Speaker was approv'd of: Which occasion'd his Majesty, immediately after the two Speeches, to declare to them, 'That he had given Order to the Lord Chancellor to send out Writs for the better Supply of their House, having seen Precedents for it: But if any Scruple or Question did arise about it, he left it to the House to debate as soon as they could.' Accordingly, the very next Day the Commons, after warm and angry Debates concerning those Writs and Returns, voted them irregular, and expell'd those Members so elected; notwithstanding which, taking into Consideration his Majesty's extraordinary Occasions, they freely resolv'd, 'That a Supply be given of eighteen Months Assessment, according to the Proportion of the last royal Aid, not exceeding seventy thousand Pounds *per Menssem*;' which, in all, amounted to twelve hundred and sixty thousand Pounds. After this, Feb. 10. the King's Declaration of Indulgence, having been first read in the House, they resolv'd, That penal Statutes in Matters Ecclesiastical cannot be suspended but by Act of Parliament. And on the 15th, Sir Job Charleton the new Speaker having pleaded an Indisposition to excuse his Attendance, the House, notwithstanding the pressing Affairs then before them, adjourn'd to the 18th. When the Speaker's Disorder still continuing, and the King having signified his Permission, by Mr. Secretary Coventry, that a new Speaker should be appointed, Mr. Edward Seymour was unanimously chosen in his room. Then, being determin'd that Redress of Grievances should accompany the Money-Bill; on the 19th, they presented the following Address to his Majesty, at the Banqueting-House: 'Most Gracious Sovereign, We your Majesty's most faithful and loyal Subjects, the Commons assembled in Parliament, do in the first Place, as in all Duty bound, return your Majesty our most humble and hearty Thanks for the many gracious Promises and Assurances, which your Majesty hath several Times (during this present Parliament) given unto us, That your Majesty would secure and maintain unto us the true Reformed Protestant

Members re-
turn'd by
Crown-Writs,
expell'd.

A Supply voted.

Sir Job Char-
leton quits the
Chair, and
Mr. Edward
Seymour chosen
in his Place.

They address
against the De-
claration for In-
dulgence.

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Religion, our Liberties and Properties; which most gracious Assurances, your Majesty hath, out of your great Goodness, been pleas'd to renew unto us, more particularly at the Opening of this present Session of Parliament. And further we crave Leave humbly to represent, That we have, with all Duty and Expedition, taken into our Consideration several Parts of your Majesty's last Speech to us, and withal the Declaration therein mention'd for Indulgence to Dissenters, dated the 15th Day of March last: And we find ourselves bound in Duty to inform your Majesty, That Penal Statutes in Matters ecclesiastical cannot be suspended but by Act of Parliament. We therefore, the Knights, Citizens and Burgesses of your Majesty's House of Commons, do most humbly beseech your Majesty, That the Laws may have their free Course, until it shall be otherwise provided for by Act of Parliament: And that your Majesty would be graciously pleas'd to give such Directions herein, That no Apprehensions or Jealousies may remain in the Hearts of your Majesty's good and faithful Subjects.

The King's
Answer.

This Address was deliver'd to the King on the 19th of February; to which his Majesty answer'd, ' That it was of Importance, and therefore he would return his Answer in Writing.' Accordingly, four Days after, he sent this Answer to the House. ' Charles Rex. His Majesty hath receiv'd an Address from you, and hath seriously consider'd of it, and returneth you this Answer: That he is very much troubled That that Declaration, which he put out for Ends so necessary to the Quiet of this Kingdom, especially in that Conjunction, should prove the Cause of Disquiet, and give Occasion to the questioning of his Power in Ecclesiastics, which he finds not done in the Reigns of any of his Ancestors. He is sure he never had Thoughts of using it otherwise, than as it hath been entrusted in him, to the Peace and Establishment of the Church of England, and the Ease of all his Subjects in general: Neither doth he pretend to suspend any Laws, wherein the Properties, Rights or Liberties of any of his Subjects are concern'd, nor to alter any thing in the establish'd Doctrine or Discipline of the Church of England: But his only Design in this was to take off the Penalties the Statutes inflict upon the Dissenters, and which he believ'd, when well consider'd of, you yourselves would not wish executed according to the Rigour and Letter of the Law: Neither hath he done this with any Thought of avoiding or precluding the Advice of his Parliament; and if any Bill shall be offer'd him, which shall appear more proper to attain the aforesaid Ends, and secure the Peace of the Church and Kingdom, when tender'd in due Manner to him, he will shew how readily he will concur

‘concur in all Ways that shall appear good for the Good of *Anno 25 Car. II.*
the Kingdom.’ *1672-3.*

The Commons immediately came to this short Resolution,
‘That the Thanks of this House be return’d to his Majesty, for
his gracious Assurances, and Promises in his Answer to the Ad-
drels.’ But, being still dissatisfy’d, they took the said Mes-
sage into Consideration again; and, after some little Debate (in which
a Passage from his Majesty’s Speech of Feb. 18, 1660. was read,
viz. ‘If the Dissenters will demean themselves peaceably and
‘modestly under the Government, I could heartily wish, I
‘had such a Power of Indulgence to use upon Occasion, as
‘might not needlessly force them out of the Kingdom, or,
‘staying here, give them cause to conspire against the Peace
‘of it.’) Agreed upon the following second Address:

‘Most gracious Sovereign, We your Majesty’s humble
and loyal Subjects, the Knights, Citizens, and Burgessees in
Parliament assembled, do render to your Sacred Majesty our
most dutiful Thanks, for that, to our unspeakable Comfort,
your Majesty hath been pleased to reiterate to us those graci-
ous Promises and Assurances of maintaining the Religion now
established, and the Liberties and Properties of your People:
And we do not in the least measure doubt but that your Ma-
jesty had the same gracious Intentions in giving Satisfaction to
your Subjects, by your Answer to our last Petition and Ad-
drels. Yet, upon a serious Consideration thereof, we find,
That the said Answer is not sufficient to clear the Apprehen-
sions, that may justly remain in the Minds of your People,
by your Majesty’s having claim’d a Power to suspend Penal
Statutes in Matters Ecclesiastical; and which your Majesty
does still seem to assert in the said Answer, to be entitled in
the Crown, and never question’d in any of the Reigns of
your Ancestors: Wherein we humbly conceive, That your
Majesty hath been much mis-informed; since no such Power
was ever claim’d, or exercis’d by any of your Majesty’s Pre-
decessors: And, if it should be admitted, might tend to the
interrupting the Free Course of the Laws, and Altering the
Legislative Power, which hath always been acknowledg’d to
reside in your Majesty, and your two Houses of Parliament.
We do, therefore, with unanimous Consent, become again
most humble Suitors to your Sacred Majesty, That you
would be pleased to give us a full and satisfactory Answer
to our said Petition and Address; and that your Majesty wou’d
take such effectual Order, That the Proceedings in this Mat-
ter, may not, for the future, be drawn into Consequence,
or Example.’

The Commons
Second Address.

The King’s Answer to this Address was, ‘It is of Con-
sequence, and I will take it into Consideration.’

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Mr. Alderman
Love opposes
the Declara-
tion, &c.

In the midst of these vigorous Proceedings with regard to the King's Declaration, it was observ'd to the Honour of Alderman Love, a City Member, That, altho' a Dissenter himself, he stiffly opposed the Indulgence; warmly declaring, that he had much rather still go without their desired Liberty, than have it in a Way that wou'd prove so detrimental to the Nation. And when, by the Instigation of Lord Clifford, a Motion was made in favour of the Dissenters, with a design to embroil the House, a Stop was put to it, at his Instance; That nothing (as he express'd himself) with relation to them might intervene, to stop the Security that the Nation, and the Protestant Religion, might have by that new Act. He was seconded in this by his whole Party, and their Behaviour on the Occasion was look'd upon to be so meritorious, that a Bill was brought in for their Relief in Matters of Religion, consisting of the following Heads:

An Act de-
sign'd for the
Ease of the
Dissenters.

1. That Ease shall be given to his Majesty's Protestant-Subjects, Dissenters in matters of Religion, who shall subscribe the Articles of the Doctrine of the Church of England, and shall take the Oaths of Allegiance and Supremacy. 2. That the said Protestant-Subjects be eas'd from all Pains and Penalties for not coming to Church. 3. That the Clause in the late Act of Uniformity for declaring the Assent and Consent, be taken away by this Bill. 4. That the said Protestant-Subjects be eas'd from all Pains and Penalties for meeting together for Performance of any Religious Exercise. 5. That every Teacher shall first give Notice of the Place where he intends such his Meeting, to the respective Quarter-Sessions; where in open Court he shall first make such Subscription, and take such Oaths as aforesaid; and receive from thence a Certificate thereof, where all such Proceedings shall remain upon Record. 6. That any such Teacher may exercise as aforesaid until the next respective Quarter-Sessions, and no longer, in Case he shall not first take the Oaths, and make such Subscription before two of the neighbouring Justices of the Peace; and shall first give them Notice of the Place of this intended Meeting, and take Certificate thereof under the said Justices Hand; a Duplicate whereof they are to return into the next Quarter-Sessions. 7. That the Doors and Passages of all Houses and Places where the said Dissenters do meet, shall be always open and free, during the Time of such Exercise. 8. That if any Dissenter refuse to take Church-Wardens Oaths, that then he shall find them another fit Person, who is no Dissenter, to execute that Office, and shall pay him for his Pains. At the same time it was ordered, That a Bill be prepared and brought in to enjoin all Persons that are in Ecclesiastical Preferments, to Catechise and Instruct the

Yours

Another for
Catechising
of Youth.

Youth within their several Parishes and Places of Incumbency every Sunday in the Afternoon, in the Church-Catechism, and to explain the same; and to expound thereupon to the Congregation." The first of these Bills was stopt in the House of Lords, and the second was never compleated: But, in the mean while, both Houses unanimously joined in the following Address to his Majesty; ' We, your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal and Commons in this present Parliament assembled, being very sensible of the great Dangers and Mischiefs that may arise within this your Majesty's Realm, by the Encrease of Popish Recusants amongst us; and considering the great Resort of Priests and Jesuits in this Kingdom, who daily endeavour to seduce your Majesty's good Subjects from their Religion and Allegiance, and how much your loyal Subjects are disheartned to see such Popish Recusants admitted into Employments of great Trust and Profit, and especially into Military Commands over the Forces now in your Majesty's Service; and having a tender Regard to the Preservation of your Majesty's Person, and the Peace and Tranquility of this Kingdom, in all Humility desire, 1. That your Majesty would be pleased to issue out your Royal Proclamation to command all Priests and Jesuits (other than such, as, not being natural born Subjects, are oblig'd to attend upon your Royal Consort the Queen) to depart within thirty Days out of this your Majesty's Kingdom: And that if any Priest or Jesuit shall happen to be taken in England, after the Expiration of the said Time, that the Laws be put in execution against them; and that your Majesty wou'd please in the said Proclamation to command all Judges, and other Officers, to put the said Laws in execution. 2. That your Majesty wou'd likewise be pleas'd, That the Lord Chancellor of England shall, on or before the 25th of March instant, issue out Commissions of *Dedimus Possessionem* to the Judge-Advocate and Commissaries of the Musters, and such other Persons as he shall think fit, to tender the Oaths of Allegiance and Supremacy to all Officers and Soldiers, now in your Majesty's Service and Pay; and that such as refuse the said Oaths, may immediately be disbanded, and not allow'd to continue in any Pay or Pension; and that the Chancellor shall require due Returns to be made thereof, within some convenient Time after issuing out of the said Commissions. 3. That the Commissaries of the Musters be commanded and enjoind by your Majesty's Warrant, upon the Penalty of losing their Places, not to permit any Officer to be muster'd in the Service and Pay of his Majesty, until he hath taken the Oaths of Allegiance and Supremacy, and receiv'd the Sacrament of the Lord's Supper, according to the Usage of the Church of England; and that every Soldier shall

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1678-9.

An Address of
both Houses a-
gainst Papists
and Jesuits.

Anno 2^o Carol.
1672-3.

shall take the said Oaths before his first Muster, and receive the Sacrament in like manner before his second Muster. And this we present in all Dutifulness to your Majesty's Princely Wisdom and Consideration, as the best Means for satisfying and composing the Minds of your loyal Subjects; humbly desiring your Majesty graciously to accept of this our Petition, as proceeding from Hearts and Affections entirely devoted to your Majesty's Service, and to give it your Royal Approbation. The King's Answer was as follows:

His Majesty's
Answer.

' I do heartily agree to the Matter of your Address, and shall give speedy Order to put it in Execution; but I hope it was not meant in the Parts thereof, that it should extend to the Forces to be employ'd immediately beyond the Seas.'

His Speech to
Both Houses.

The next Day, March the 8th, his Majesty went to the House of Lords, and sending for the Commons, he made this following Speech to both Houses. ' My Lords and Gentlemen, Yesterday you presented me with an Address, as the best Means for the satisfying and composing the Minds of my Subjects; to which I freely and readily agree, and shall take care to see it perform'd accordingly. I hope, on the other side, you Gentlemen of the House of Commons, will do your Part; for I must put you in mind, it is near five Weeks since I demanded a Supply; and what you voted unanimously upon it, did both give Life to my Affairs at home, and disheartned my Enemies abroad: But the seeming Delay it hath met with since, hath made them take new Courage, and they are now preparing for this next Summer a greater Fleet, as they say, than ever they had yet; so that if the Supply be not speedily dispatch'd, it will be altogether ineffectual; and the Safety, Honour, and Interest of England must of necessity be expos'd. Pray lay this to heart, and let not the Fears and Jealousies of some draw inevitable Ruin upon us all. My Lords and Gentlemen, if there be any Scruple yet remaining with you concerning Suspension of penal Laws, I here faithfully promise you, that what hath been done in that particular, shall not for the future be drawn into Example and Consequence. And as I daily expect from you a Bill for my Supply, so I assure you, I shall as willingly receive and pass any other you shall offer me, that may tend to the giving you Satisfaction in all your just Grievances.' In Confirmation of this Speech, Mr. Secretary Coventry gave the House to understand that his Majesty had ordered the Declaration to be vacated, and that he had seen the Seal taken off accordingly. All which was so pleasing and obliging to the Parliament in general, that both Houses join'd in the following

The Declaration of Indulgence cancell'd.

Vot,

Vote, ' Resolved *nemine contradicente*, That the humble and hearty Thanks of these Houses be return'd to his Majesty, for his gracious full and satisfactory Answer this Day given to their humble Petitions and Addresses.' This was declared to the King in the Banqueting-House, by the Mouth of the Lord Chancellor at the head of both Houses; to which his Majesty made this Answer, ' My Lords and Gentlemen, I hope there never will be any Difference amongst us; I assure you there shall never be any Occasion on my Part.'

Annals, Cas. II.
1672-3.
Their Thanks
for it.

These Answers did not hinder the House from proceeding to the Redress of Grievances: For on the 18th the King's Letter and Proclamation regarding Ireland being read, whereby several Licences were given to all Papists to live in Corporations and exercise their Trades there with all Privileges, &c. it was resolved that an Address should be presented to his Majesty on that Head; as likewise, another on the Subject of Grievances in England. But while these were in Agitation, Mr. Secretary Coventry was ordered to acquaint the House, ' That his Majesty intended them a Recess on the 28th Instant.' But this not taking the desired Effect, a written Message was sent by the said Secretary on the 24th, which was as follows:

Charles Rex.

' I am commanded by his Majesty, in pursuance of his late Message, to acquaint you that his Majesty intends you shall rise before Easter, and therefore expects an Expedition of such Bills as are of most Importance; the Bill of Popery, and that of Supply particularly: And for such other Bills as concern either the Public or Particular, I cannot be so soon ready. That they may not receive a Disappointment, his Majesty resolves to make this an Adjournment till the Beginning of October, when you may continue their Prosecution; in the mean time his Majesty will take such Care of the Protestant Religion, that you shall have no Cause to complain.'

The King's
Message to the
House.

But neither had this Message any more Influence than the last: But the House proceeded with two Addresses relating to Grievances as follows:

The first is, ' Most gracious Sovereign, We your Majesty's most loyal Subjects, the Commons in this present Parliament assembled, conceiving ourselves bound in necessary Duty to your Majesty, and in Discharge of the Trust reposed in us, truly to inform your Majesty of the Estate of this your Kingdom; and tho' we are abundantly satisfy'd, that it hath been always your royal Will and Pleasure, that your Subjects should be govern'd according to the Laws and Customs

The Commons
Address concerning Grievances in England.

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1672-3.

Customs of these Realms; yet finding, that contrary to your Majesty's gracious Intentions, some Abuses and Grievances are crept in; we crave Leave humbly to represent them to your Majesty's Knowledge; and to desire, 1. That the Imposition of Twelve Pence *per* Chaldron upon Coals, for providing of Convoys, by virtue of an Order of Council, dated the 15th of May 1672, may be recall'd, and all Bonds taken by virtue thereof, cancell'd. 2. That your Majesty's Proclamation of the 4th of December 1672, for preventing Disorders which may be committed by Soldiers, and whereby the Soldiers now in your Majesty's Service are in a manner exempted from the ordinary Course of Justice, may likewise be recall'd. 3. And whereas great Complaints have been made out of the several Parts of this Kingdom of divers Abuses committed in Quartering of Soldiers, That your Majesty would be pleas'd to give Order to redress those Abuses; and in particular, That no Soldiers be hereafter quarter'd in any private Houses; and that due Satisfaction may be given to the Inn-Keepers and Victuallers where they lie, before they remove. 4. And since the Continuance of Soldiers in this Realm will necessarily produce many Inconveniences to your Majesty's Subjects, We do humbly present it as our Petition and Advice, That when the present War is ended, all the Soldiers that have been rais'd since the last Session of Parliament, may be disbanded. 5. That your Majesty would likewise be pleas'd to consider of the Irregularities and Abuses in pressing Soldiers, and give Order for the Prevention thereof for the future. 6. And altho' it hath been the Course of former Parliaments to desire Redress in their Grievances, before they proceeded to give a Supply; yet we have so full Assurance of your Majesty's Tenderness and Compassion towards your People, that we humbly prostrate ourselves at your Majesty's Feet with these our Petitions, desiring your Majesty to take them into your Princely Consideration, and to give such Orders for the Relief of your Subjects, and the removing these Pressures, as shall seem best to your Royal Wisdom.

Another
concerning
Grievances in
Ireland.

The Second concerning Ireland was as follows: ' Most Gracious Sovereign, We your Majesty's most loyal Subjects; the Commons in this present Parliament assembled, taking into Consideration the great Calamities which have formerly befallen your Majesty's Subjects of the Kingdom of Ireland from the Popish Recusants there, who for the most part are profess'd Enemies to the Protestant Religion, and the English Interest, and how they making ill Use of your Majesty's gracious Disposition and Clemency, are at this Time grown more insolent and presumptuous than formerly, to the apparent Danger of that Kingdom, and your Majesty's Protestant Subjects there, the Consequence whereof may likewise prove very fatal

fatally prevented : And having seriously weigh'd what Remedies may be most properly apply'd to these growing Distempers, do in all humility present your Majesty with these our Petitions. 1. That, for the establishing and quieting the Possessions of your Majesty's Subjects in that Kingdom, your Majesty would be pleas'd to maintain the *Act of Settlement*, and *Explanatory Act* thereupon, and to recall the Commission of Enquiry into Irish Affairs, bearing date the 17th of January last, as containing many new and extraordinary Powers, not only to the prejudice of particular Persons, whose Estates and Titles are thereby made liable to be question'd ; but in a manner to the overthrow of the *Acts of Settlement* ; and, if pursu'd, may be the occasion of great Charge and Attendance to many of your Subjects in Ireland, and shake the Peace and Security of the whole. 2. That your Majesty would give Order, that no Papist be either continu'd, or hereafter admitted to be Judges, Justices of the Peace, Sheriffs, Coroners or Mayors, Sovereign or Port-Reeves in that Kingdom. 3. That the Titular Popish Arch-bishops, Bishops, Vicars-General, Abbots, and all other exercising Ecclesiastical Jurisdiction by the Pope's Authority, and in particular, Peter Talbot, pretended Archbishop of Dublin, for his notorious Disloyalty to your Majesty, and Disobedience and Contempt of your Laws, may be commanded by Proclamation forthwith to depart out of Ireland, and all other your Majesty's Dominions, or otherwise to be prosecuted according to Law. And that all Convents, Seminaries, and public Popish Schools may be dissolv'd and suppress'd, and the Regular Priests commanded to depart under the like Penalties. 4. That no Irish Papist be admitted to inhabit in any Corporation in that Kingdom, unless duly licens'd according to the foresaid *Acts of Settlement* ; and that your Majesty would be pleas'd to recall your Letters of the 26th of February 1671, and your Proclamation thereupon, whereby general Licence is given such Papists as inhabit in Corporations there. 5. That your Majesty's Letters of the 28th of September 1672, and the Order of Council thereupon, whereby your Subjects are required not to prosecute any Actions against the Irish for any Wrongs or Injuries committed during the late Rebellion, may likewise be recall'd. 6. That Colonel Richard Talbot, who hath notoriously assum'd to himself the Title of Agent for the Roman Catholics in Ireland, be immediately dismiss'd out of all Command, either civil or military, and forbid any Access to your Majesty's Court. 7. That your Majesty would be pleas'd, from Time to Time, out of your Princely Wisdom, to give such further Orders and Directions to the Lord-Lieutenant, as may best conduce to the Encouragement

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agement of the English Planters, and Protestant Interest, and the Suppression of the Insolencies and Disorders of the Irish Papists there. These our humble Desires we present to your Majesty, as the best Means to preserve the Peace and Safety of that your Kingdom, which hath been so much of late in danger from the Practices of the said Irish Papists, and particularly of the said Richard and Peter Talbot. And we do not doubt but your Majesty will find the happy Effects thereof, to the great Satisfaction and Security of your Government and Person, which of all earthly things is most dear to us your Majesty's most loyal Subjects.

The King's
Answer.

These two Addresses being presented to the King, his Majesty immediately return'd this following obliging Answer, by way of Message; 'That he observed the Addresses consisted of many different parts, therefore it cou'd not be expected there shou'd be a present Answer: But for the several particular things contain'd in them, he would, before the next Meeting, take such effectual Care, that no Man shou'd have Reason to complain.' With which

Thanks voted.

the House thought themselves and the Nation so well secured, that they presently Voted, 'That the humble Thanks of the House be presented to his Majesty, for the often Accesses they have been admitted to his Majesty's Person; and for his most gracious Answers to the several Addresses of this House; and particularly for the last gracious Message, and for the Care he hath declared he will take of the Protestant Religion.' The Money-Bill immediately pass'd, but under the Title of a Supply of his Majesty's Extraordinary Occasions; and with a particular proviso tack'd to it, That no Papists shou'd be capable of holding any public Employment. On the 29th of March, before the Bill in favour of Protestant Dissenters, and some others cou'd be finish'd, the King came to the House of Peers, and, besides the Money-Bill, pass'd nine public Acts, viz.

Acts pass'd.

1. *An Act for the King's Majesty's most gracious, general, and free Pardon, but with many Exceptions.* 2. *An Act continuing a former Act concerning Coinage.* 3. *An Act for enabling his Majesty to make Leases of his Lands belonging to the Duchy of Cornwall.* 4. *An Act for preventing Dangers which may happen from Popish Recusants.* 5. *An Act for reviewing the Judicature for the Determination of Differences touching Houses burnt down by the late Fire, &c.* 6. *An Act for taking off Aliens Duties upon Commodities of the Growth and Manufactures of this Nation.* 7. *An Act for encouraging the Green and Trades, and for the better securing the Plantation Trades,* 8. *An Act for Repeal of a Clause in a former Act to prohibit Sales-men from selling fat Cattle.* 9. *An Act to enable the County Palatine of Durham to send Knights and Burgeesses to serve in Parliament.* Upon passing these Bills, the King adjourn'd the Parliament to the 20th of October.

The End of the
eleventh Meeting
of the second
Parliament.

On

On the said 20th Day of October, the Parliament met according to their Adjournment, when the Commons shewed their Disgust against several Proceedings, and presently voted, 'That an Address be made to his Majesty, to acquaint his Majesty, that it is the humble Desire of this House, that the intended Marriage of his Royal Highness with the Dutchess of Modena, be not consummated; and that he may not be marry'd to any Person but of the Protestant Religion.' Upon which, the King immediately prorogu'd the Parliament to the 27th of the same Month. When his Majesty, without shewing any particular Displeasure, from the Throne made this following Speech:

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1673.

Twelfth Session of the second Parliament.

' My Lords and Gentlemen,

' I Thought this Day to have welcomed you with an honourable Peace: My Preparations for the War, and Condescensions at the Treaty, gave me great Reason to believe so; but the Dutch have disappointed me in that Expectation, and have treated my Ambassadors at Cologne with the Contempt of Conquerors, and not as might be expected from Men in their Condition. They have other Thoughts than Peace. This obligeth me to move you again for a Supply; the Safety and Honour of the Nation necessarily requiring it. It must be one proportionable to the Occasion; and I must tell you besides, that, if I have it not speedily, the Mischief will be irreparable in my Preparations for the next Spring. The great Experience I have had of you, Gentlemen of the House of Commons, will not suffer me to believe, that the Artifices of our Enemies can possibly divert you from giving me this Supply, or that you can fail of adjusting the Proportion of it. I hope I need not use many Words to persuade you, that I am steady in maintaining all the Professions and Promises I have made you concerning Religion and Property: And I shall be very ready to give you fresh Instances of my Zeal, for preserving the establish'd Religion and Laws, as often as any Occasion shall require. In the last place, I am highly concern'd to commend to your Consideration and Care, the Debt I owe the Goldsmiths, in which very many other of my good Subjects are involv'd: I heartily recommend their Condition to you, and desire your Assistance for their Relief. There is more that I wou'd have you inform'd of, which I leave to the Chancellor.'

The King's Speech to both Houses.

Accordingly, the Chancellor made the following Speech, 'My Lords, and you the Knights, Citizens and Burgesses of the House of Commons, His Majesty had reason to expect that he shou'd have met you with

The Lord Chancellor Shaftesbury's Speech.

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1673.

the Olive-Branch of Peace: His Naval Preparations, greater than in any former Years, together with his Land-Forces he had ready for any Occasion, gave him Assurance to obtain it before this Time: And the rather, because his Aims were not Conquest, unless by Obstinacy enforc'd: but his Condescensions at the Treaty have been so great, that the very Mediators have declared they were not reasonably to be refus'd. He cou'd not be King of Great Britain without securing the Dominion and Property of his own Seas; the first by an Article clear, and not elusory of the Flag; the other, by an Article that preserv'd the Right of the Fishing, but gave the Dutch Permission, as Tenants, under a small Rent, to enjoy, and continue that Gainful Trade upon the Coasts. The King was oblig'd, for the Security of a lasting Peace, as also by the Laws of Gratitude and Relation, to see the House of Orange settled, and the Lovestein, that Carthaginian Party, brought down. Neither in this did the King insist beyond what was moderate, and agreeable to their Government, and what the Prince's Ancestors enjoy'd amongst them. Besides these, it was necessary to the Trade of England, that there shou'd be a fair Adjustment of Commerce in the East-Indies; where the King's Demands were reasonable, and according to the Law of Nations; and their Practice of late Years hath been Exorbitant and Oppressive, suitable only to their Power and Interest, and destructive, if continu'd, to our East-India Company. These were all, of any Moment, the King insisted on; as judging right, that that Peace that was Reasonable, Just and Fair to both Parties, wou'd be sacred and durable. And that by this Means, he shou'd depress the Interest and Reputation of that Lovestein Party amongst them, who suck'd in with their Milk an Inveterate Hatred to England, and transmit it to their Posterity, as a distinguishing Character wherein they place their Loyalty to their Country.

In return to this candid, and fair Proceeding on the King's part, his Majesty assures you, he hath receiv'd nothing but the most scornful and contemptuous Treatment imaginable; Papers deliver'd in to the Mediators, own'd by them to be stuff'd with so unhandsome Language, that they were asham'd, and refus'd to shew them; never agreeing to any Article about the Flag, that was clear or plain; refusing any Article of the Fishing, but such a one, as might sell them the Right of Inheritance, for an inconsiderable Sum of Money, tho' it be a Royalty so inherent to the Crown of England, that I may say (with his Majesty's Pardon for the Expression) he cannot sell it. The Article of the Prince of Orange, and the Adjustment of the East-India Trade, had neither of them any better Success: And, to make all of a
piece,

piece, they have, this last Week, sent a Trumpeter with an Address to his Majesty, being a Deduction of their several Offers of Peace, as they call them, and their Desires for it now; but it is, both in the penning and the timing of it, plainly an Appeal to his Majesty's People against himself: And the King hath commanded me to tell you, He is resolv'd to join Issue with them, and print both their Address, and his Answer, that his People and the World may see how notorious Falshoods and Slights they endeavour to put upon Him. In a word, in England, and all other Places, and to all other Persons in the World, they declare they offer all things to obtain a Peace from the King of England: but to himself, his Ministers, the Mediators, or his Plenipotentiaries, it may with Confidence and Truth be affirm'd, that, to this day, nay even in this last Address, they have offer'd nothing. They desire the King's Subjects would believe they beg for Peace, while their true Request is, only to be permitted to be Masters of the Seas; which they hope, if they can subsist at Land, length of Time may give them; and, if once got, is never to be lost; nor can it be bought by any State or Empire at too great a Rate. And what Security their Agreement with us in Religion will afford, when they shall have the Power, former Instances may give Demonstration of. Joint Interests have often secured the Peace of differing Religions, but agreeing Professions have hardly an Example of preserving the Peace of different Interests.

This being the true and natural State of Things, his Majesty doth with great Assurance throw himself into the Arms of you his Parliament, for a Supply suitable to this great Affair he is engag'd in. When you consider we are an Island, 'tis not Riches nor Greatness we contend for; yet those must attend the Success; but it is our very Beings are in question: We fight *pro Aris & Focis* in this War. We are no longer Free-Men, being Islanders, and Neighbours, if they master us at Sea. There is not so lawful or commendable Jealousy in the World, as an English-Man's, of the growing Greatness of any Prince or State at Sea. If you permit the Sea, our British Wife, to be ravish'd, an eternal Mark of Infamy will stick upon us: Therefore I am commanded earnestly to recommend to you, not only the Proportion, but the Time of the Supply. For unless you think of it early, it will not be serviceable to the chief End of setting out a Fleet betimes the next Spring. As for the next Part of the King's Speech, I can add nothing to what his Majesty hath said. For as to Religion and Property, his Heart is with your Heart, perfectly with your Heart. He hath not yet learned to deny you any thing; and he believes your Wisdom and Moderation

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deration is such, he never shall. He asks of you to be at peace in Him, as he is in You, and he shall never deceive you.

There is one Word more, I am commanded to say concerning the Debt owing to the Goldsmiths: The King holds himself in Honour and Conscience oblig'd to see them satisfy'd. Besides, you all know how many Widows, Orphans and particular Persons, this public Calamity hath overtaken; and how hard it is, That so disproportionable a Burden shou'd fall upon them, even to their utter Ruin. The whole Case is so well and generally known, that I need say no more. Your Great Wisdom hath not done it at the first, peradventure that the Trade of the Bankers might be suppressed; which End is now attained: So that now your Great Goodness may restore to those poor People, and the many innocent ones that are concern'd with them, some Life and Assurance of Payment in a competent Time. My Lords and Gentlemen, I have no more in Command, and therefore I shall conclude with my own hearty Prayers, that this Session may equal, nay exceed the Honour of the last; That it may perfect what the last begun for the Safety of this King and Kingdom; That it may be for ever famous for having establish'd, upon a durable Foundation, our Religion, Laws and Properties; That we may not be toss'd with boisterous Winds, nor overtaken by a sudden, dead Calm: But that a gentle, fair Gale may carry you in a steady, even, and resolv'd Way into the Ports of Wisdom and Security.

The Speech ended, and the Commons return'd to their House, they were so affected with the Thoughts of Popery, that the first thing they resolv'd was a more than ordinary Solemnization of the Fifth of November, and that Dr. Stillingfleet be the Preacher. Then, appointing a Grand Committee for Religion, Grievances, Trade, and Courts of Justice, they adjourn'd themselves till the 30th Instant. On which Day, Mr. Secretary Coventry brought from his

A Message from
the King to the
Commons.

Majesty the following Answer to their Address concerning the Duke of York, and his intended Marriage: ' C.R.

' His Majesty having receiv'd an Address from the House of Commons, presenting their humble Desire that the intended Marriage betwixt his Royal Highness and the Princess of Modena may not be consummated, commanded this Answer to be return'd, That he perceiv'd the House of Commons have wanted a full Information of this Matter, the Marriage not being barely intended, but compleated according to the Forms used amongst Princes, and by his Royal Consent and Authority: Nor cou'd he in the least suppose it disagreeable to this House of Commons, his Royal Highness

Highness having been in the View of the World for several Months engag'd in a Treaty of Marriage with another Catholic Princefs, and yet a Parliament held during the Time, and not the least Exception taken at it.' They were not satisfied with this Answer: And, therefore immediately voted to draw up another Address, with particular Reasons against the Marriage; and the same Day voted, ' That a Bill shou'd be prepar'd for a General Test betwixt Protestants and Papists, and those that refus'd to take it, shou'd be incapable of bearing any Office Military or Civil, or to sit in Parliament, or to come within five Miles of the Court.' They likewise went on with a Bill for Repair of Churches, and for the better recovery of small Tythes.

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1673.

A general Test
Voted.

Upon Friday the 31st of October the House of Commons first took into their Consideration his Majesty's Speech, and after a long and serious Debate in a grand Committee, they finally Resolv'd, ' That the House, considering the present Condition of the Nation, will not take into any further Debate the Consideration of any Aid or Supply, or Charge upon the Subject, before the Time of Payment of the eighteenth Months Assessment, granted by a late Act of Parliament, entitl'd, *An Act for raising the Sum of twelve hundred thirty eight thousand seven hundred and fifty Pounds*, be expired; except it shall appear that the Obstinacy of the Dutch shall render it necessary; nor before this Kingdom be effectually secured from Popery and Popish Counsellors, and the other present Grievances be redress'd.' At the same time they order'd an Address to be presented to his Majesty, for a general Fast to be observ'd throughout the Nation.

Their grand Re-
solve.

The Address against the Duke's Marriage, was as follows: ' We your Majesty's most humble and loyal Subjects, the Commons in this present Parliament assembled, being full of Assurance of your Majesty's gracious Intentions to provide for the Establishment of Religion, and the Preservation of your People in Peace and Security; and foreseeing the dangerous Consequences which may follow the Marriage of his Royal Highness the Duke of York with the Princefs of Modena, or any other of the Popish Religion; do hold ourselves bound in Conscience and Duty to represent the same to your Sacred Majesty, not-doubting but those constant Testimonies which we have given your Majesty of our true and loyal Affections to your sacred Person, will easily gain a Belief that these our humble Desires proceed from Hearts still full of the same Affections towards your Sacred Majesty, and with Intentions to establish your royal Government upon those true Supports of the Protestant Religion, and the Hearts of your People; with all Humility desiring your Majesty to take the same into your Princely

Their particular
Address against
the Duke's
Marriage.

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1673.

Princely Consideration, and to relieve your Subjects from those Fears and Apprehensions which at present they lie under, from the Progress that hath been made in that Treaty. We do therefore humbly beseech your Majesty to consider, 1. That if this Match do proceed, it will be a Means to disquiet the Minds of your Protestant Subjects at home, and to fill them with endless Jealousies and Discontents; and will bring your Majesty into such Alliances abroad, as will prove highly prejudicial, if not destructive, to the Interest of the very Protestant Religion itself. 2. We find by sad Experience, that such Marriages have increas'd and encourag'd Popery in this Kingdom, and given Opportunity to Priests and Jesuits to propagate their Opinions, and seduce great Numbers of your Majesty's Subjects. 3. We do already observe how much the Party is animated with the Hopes of this Match, which were lately discourag'd by your gracious Concessions in the last Meeting of this Parliament. 4. We greatly fear this may be an Occasion to lessen the Affections of the People to his Royal Highness, who is so nearly related to the Crown, and whose Honour and Esteem we desire may always be entirely preserv'd. 5. That for another Age more, at least, this Kingdom will be under the continual Apprehensions of the Growth of Popery, and the Danger of the Protestant Religion. Lastly, We consider that this Princess, having so near a Relation and Kindred to many eminent Persons of the Court of Rome, may give them great Opportunities to promote their Designs, and carry on their Practices amongst us, and by the same Means penetrate into your Majesty's most secret Counsels, and more easily discover the State of the whole Kingdom. And finding by the Opinions of very Learned Men, it is generally admitted, That such Treaties and Contracts by Proxy are dissolvable, of which there are several Instances to be produc'd; We do in all Humility beseech your Majesty to put a stop to the Consummation of this intended Marriage. And this we do the more importunately desire, because we have not as yet the Happiness to see any Issue of your Majesty that may succeed in the Government of these Kingdoms; which Blessing we most heartily pray Almighty God in his due Time to bestow upon your Majesty and these Kingdoms, to the unspeakable Joy and Comfort of all your Majesty's Loyal Subjects, who desire nothing more than to continue under the Reigns of your Majesty, and your Royal Posterity for ever.

To which Address his Majesty return'd this Answer, ' That it was a Matter he would take into his present Consideration, and would speedily return an Answer.' After which the Commons proceeded further, and voted the standing Army a Grievance; and accordingly they prepar'd an Address

The King's
Answer.

Address to be made to his Majesty, shewing, 'That the standing Army was a Grievance, and a Burden to the Nation.' Having prepared this on the 4th of November, and designing that Day to wait upon his Majesty with it, the King, unexpectedly, and of a sudden, appear'd at the House of Peers with his Robes and Crown. The Lords made all haste to attend him, while the Usher of the Black-Rod was sent to the Commons, to command the Speaker and that House immediately to come up to his Majesty. But it happen'd that the Speaker and the Usher met both at the Door of the House of Commons; and the Speaker being got within the House, some of the Members suddenly shut the Door, and cry'd out, To the Chair, to the Chair! While others cry'd, The Black-Rod is at the Door! The Speaker was immediately hurry'd to the Chair, and then it was mov'd, 1. That our Alliance with France was a Grievance. 2. That the evil Counsellors about the King were a Grievance; and, 3. That the Duke of Lauderdale was a Grievance, and not fit to be trusted or employ'd in any Office or Place of Trust. To which there was a general Cry, To the Question, to the Question! But the Black-Rod knocking earnestly at the Door, the Speaker leapt out of the Chair, and the House rose in great Confusion.

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1673.

The standing
Army voted a
Grievance.

Other Grievances.

Being come into the House of Peers, the King from the Throne made this following Speech to both Houses:

The King pro-
rogues the Par-
liament with a
Speech.

' My Lords and Gentlemen,

' I Need not tell you how unwillingly I call you hither at this Time, being enough sensible what Advantages my Enemies both abroad and at home will reap by the least Appearance of a Difference betwixt Me and my Parliament; nay, being assured they expect more Success from such a Breach (could they procure it) than from their Arms. This, I say, shall, while I live, be my chief Endeavour to prevent; and for that Reason I think it necessary to make a short Recess, that all good Men may recollect themselves against the next Meeting, and consider, Whether the present Posture of Affairs will not rather require their Application to Matters of Religion, and Support against our only Competitors at Sea, than to Things of less Importance: and, in the mean time, I will not be wanting to let all my Subjects see, That no Care can be greater than my own, in the effectual Suppressing of Popery: And it shall be your Faults, if in your several Countries the Laws be not effectually executed against the Growth of it. I will not be idle neither in some Things which may add to your Satisfaction; and then I shall expect a suitable Return from you.'

Tom: I.

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Having

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The Thirteenth
Session of the
second Parlia-
ment.

Having spoke thus, he prorogu'd the Parliament to the 7th Day of January following :

When both Houses of Parliament met at Westminster, according to the said Prorogation, after a Recess of two Months and three Days; and the Session was opened by his Majesty on the Throne, with the Speech that ensues :

The King's
Speech to both
Houses.

‘ My Lords and Gentlemen,
‘ **W**hen I parted with you last, it was but for a little Time, and with a Resolution of meeting suddenly again. That alone was enough to satisfy my Friends that they need not fear, and my Enemies that they could not hope for a Breach between us. I then told you, That the Time of this short Recess should be employ'd in doing such Things as might add to your Satisfaction : I hope I have done my Part towards it ; and if there be any thing else you think wanting to secure Religion or Property, there is nothing which you shall reasonably propose, but I shall be ready to receive it. I do now expect you should do your Parts too, for our Enemies make vigorous Preparations for War, and yet their chief Hopes are to disunite us at home ; 'tis their common Discourse, and they reckon upon it as their best Relief.

‘ My Lords and Gentlemen, It is not possible for me to doubt your Affections at any Time, much less at such a Time as this, when the Evidences of your Affections are become so necessary to us all. I desire you to consider, that as the War cannot be made without a Supply, so neither can a good Peace be had without being in a Posture of War. I am very far from being in love with War, for War's sake ; but if I saw any likelihood of Peace without Dishonour to myself, and Damage to you, I would soon embrace it. But no Proposals of Peace have yet been offer'd with Intent to conclude, but only to amuse. Therefore the Way to a good Peace is to set out a good Fleet, which we have time enough to do very effectually, if the Supply be not delay'd. If after this a Peace should follow, yet the Supply would be very well given ; for whatever remains of it, I am willing should be appropriated for building more Ships. To conclude, a speedy, a proportionable, and above all a chearful Aid, is now more necessary than ever, and I rely upon you for it. I lately put you in mind of my Debt to the Goldsmiths ; I hope a fit Time will come to take that into Consideration. I cannot conclude without shewing the entire Confidence I have in you. I know you have heard much of my Alliance with France, and I believe it hath been
‘ very

‘ very strangely misrepresented to you, as if there were
 ‘ certain secret Articles of dangerous Consequence; but I
 ‘ make no difficulty of letting the Treaties, and all the
 ‘ Articles of them, without any the least Reserve, be seen
 ‘ by a small Committee of both Houses, who may report
 ‘ to you the true Scope of them: And I assure you there
 ‘ is no other Treaty with France, either before or since,
 ‘ not already printed, which shall not be made known.
 ‘ And having thus freely trusted you, I do not doubt but you
 ‘ will have a Care of my Honour, and the Good of the
 ‘ Kingdom. The rest I refer to my Lord-Keeper.’

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Accordingly the new Lord-Keeper, Sir Heneage Finch, late Attorney-General, made a long and eloquent Speech, beginning thus: ‘ My Lords, and you the Knights, Citizens, and Burgesses of the House of Commons, the King hath already in part told you, what he hath done for you since the last Recess, what he is still ready to do, and what it is he doth now expect from you: And this in Terms so full and obliging, so generous and so satisfactory, that he whose Affections are not rais’d by that Discourse, he who cannot acquiesce in the Fulness of this Assurance, he whose Heart is not establish’d by it in such a Belief as may entirely dispose him to the Service of the Crown, will hardly be recover’d to a better Disposition by any other Expedient. For indeed what better Way can be found to undeceive those who have been abus’d? The King refers you to the Time past; not to his Promises, but to his Performances; gives Men leave to judge by what they see, of what they hear; by what hath been done since the last Session, of what is offer’d you now, and what is likely to be done for the Time to come. And doth not every Man see that the King hath given new Life and Motion to such Laws as were long dead, or fast asleep? That he hath once more repaired the Hedge about our Vineyard, and made it a Fence against all those who are Enemies to the planting it, who would be glad to see it trodden down, or rooted up, and study how to sap and undermine our very Foundations? Do we not see that the King hath made it his Care and Business to do all that is possible to preserve our Civil Rights too; That he makes the Laws of his Kingdom the Measures not only of his Power but his Prudence; That he suffers no Man to be wiser than the Laws; That he thinks he cannot judge of the Health or Sickness of his State by any better Indication than the Current of his Laws, and suffers nothing to remain that may in the least hinder Justice from flowing in its due and proper Channel? To name a few Instances: If the Conviction of all Recusants, and bringing them under the Penal Laws,

The Lord-Keeper Finch’s Speech.

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can suppress Popery: If, without staying for Forms of Law in Points of Conviction, the present forbidding of Papists, or reputed Papists to come to Court, and the extending this Prohibition to his royal Palace at St. James's, be enough to discountenance them; if the not extending his Prerogative beyond its due Limits, can secure your Liberties; if his lessening and reducing all his Land Forces, and maintaining so few extraordinary, as will scarce be enough to man his Fleet this Summer, can extinguish the Fears of a standing Army; if a rigorous and severe Prosecution of all the Officers and Soldiers in his Majesty's Guards, when they misbehave themselves towards the meanest Subject, can secure your Properties; if the Abrogation of all the Privileges from Arrests, claim'd by his Majesty's Servants extraordinary, who are very numerous, can prevent the Delays and Obstructions of Justice; Then surely his Majesty hath Reason to believe, that nothing is wanting which can lawfully be done, or modestly be wish'd, either for your Satisfaction, or your Security. These are not single and transient Acts, but such as flow from Habits; these are not Leaves and Blossoms, but true, solid and lasting Fruits: Long, long! may that Royal Tree live and flourish, upon which these Fruits do grow. And yet his Majesty's Indulgence to you rests not here; he gives you leave to study and contrive your own Assurance; and if you think you want any further Security, if any thing has escap'd his Majesty's Care, who meditates nothing more than your Preservation, you see you have free Leave to make any reasonable Proposition, and his gracious Promise that he will receive it. This is a Satisfaction equal to all your Wishes. Now, if ever, your Joys are full; there wants no more to the Improvement of this Happiness, but the Wisdom of the Parliament to use these Advantages with due Moderation. If therefore upon Enquiry you shall think it needful to apply any other Remedies, it is extremely to be wish'd that those Remedies may be few, and withal, that they be gentle and easy too. For the Sick perish as often by too many Remedies, as by none at all; but none fall so fatally and so finally, as they who, being enter'd into some Degrees of Convalescence, resolve to recover it in an Instant; and had rather make some great Effort, or try some bold Experiment upon themselves, than observe the Method, or attend those gradual Progressions which are necessary to perfect that Health, and compleat that Recovery.

'I must not omit one Instance more of his Majesty's Care for you, and that is the great Industry and Application of Mind which his Majesty hath used all along, in hope to have obtain'd by this Time, if it had been possible, that honourable and just Peace.' Then he made a large Deduction

duction of the Dutch Averfenefs to Peace, their uncivil Demeanour to the King's Plenipotentiaries at Cologne, and how indirectly they dealt with his Majesty in all the Overtures of Peace, by appealing to his own People, &c. After which he proceeded in thefe Words: ' I have done with thefe few Inftances of his Majesty's Care, thofe of his Kindnefs are infinite; That which you heard this Morning is of a transcendent, and indeed a very furprifing Nature; 'tis an Act of fo entire a Confidence on his Majesty's part, that it can never be repaid by any other Tribute on your part, but that of a true and humble Affiance in him. I muft now proceed to put you in mind, that there are fome other things which his Majesty, with great Juftice, and great Affurance, doth expect from you again. The firft is a speedy and proportionable Supply; and this is of abfolute Neceffity both for War and Peace. His Majesty is well affured his Fleet is in fuch a Forwardnefs, that if the Supply come in any reafonable Time, you will find no Time hath been loft in the Preparation; and it was no fmall matter to bring it to that pafs, that we may be as forward as our Enemies, if we pleafe, or very near it. If the Supply be at all delay'd, it will have almoft as ill Effect as if it were deny'd; for we may chance to be found like Archimedes, drawing Lines in the Duft, while the Enemy is entering into our Ports. And if the further Progreff of this Fleet be ftopp'd for want of your Concurrence, make account all Hopes of Peace are ftopp'd too; for tho' the Fruit of War be Peace, yet it is fuch a Fruit as we muft not hope to gather without our Arms in our Hands. It is not the Way to have a brave Peace, to fhew ourfelves weary of the War: Who ever trusted in the Good-Nature of their Enemies? It is a vigorous Affiftance of the Crown that muft make not only our Arms confiderable; but our Treaties too. On the other fide, if the putting of ourfelves into a good Pofture of War fhould produce a Peace, as poffibly it may do; yet you will have the beft Account of your Supply your Hearts can wifh, for his Majesty is content it be appropriated to the Building of more Ships: Therefore if the Difcourfe upon this Subject be a little more preffing than ordinary, you may be fure the Occafion is fo too. There cannot be a higher Gratification of your Enemies, than to be backward in this Point; the very Opinion they have that you would be fo, hath already done us fo much harm, that perhaps it is one great Caufe of the Continuance of the War. Had the Enemy defpair'd of any Divifion here, 'tis likely his Proceedings had been more fincere, and our Peace had not been fo far off as now it feems to be. There is one Thing more the King hath mentioned to you, that is the Confideration of the Goldfmiths, which involves

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involves so many Persons and Families, that the Concern is little less than National: It is an Affair the King lays very much to heart, and hopes a proper Time will come when a favourable Regard may be had to it.

My Lords and Gentlemen, The King doth not only assure himself of your Affections at this Time, but from such Affections so known and so try'd as yours, he doth yet expect far greater Things than these. He doth expect that you should do your Endeavours to restore and improve the mutual Confidence between him and his People, and that you should do it in such a degree that it may recover its full Strength, and quite extinguish all their Fears and Jealousies. For the King takes notice, that the Malice of his Enemies hath been very active in sowing so many Tares, as are almost enough to spoil that Harvest of Love and Duty which his Majesty may justly expect to reap from the good Seed which he himself has sown. Among the venomous Insinuations which have been used, the Fears and Jealousies of Religion and Liberty are of the worst Sort, and the most dangerous Impressions. Certainly Malice was never more busy than it hath been in these Reports, and it hath been assisted by a great deal of Invention; but it is hoped that no Man's Judgment or Affections will be either misled or disturb'd by such Reports. For Calumnies and Slanders of this nature are like Meteors in the Air; they may seem perhaps, especially to the Fearful, to be ill Prognosticks, and the direct Fore-runners of Mischief; but in themselves they are vain Apparitions, and have no kind of Solidity, no Permanence or Duration at all. For, after a little while, the Vapour spends itself, and then the base Exhalation quickly falls back into that Earth from whence it came. Religion and Liberty stand secured by the most sacred Ties that are; nay, the King hath a greater Interest in the Preservation of both, than you yourselves: For as Religion, the Protestant Religion, commands your indisputable Obedience, so it is a just and lawful Liberty which sweetens that Command, and endears it to you. Let other Princes therefore glory in the most resign'd Obedience of their Vassals, his Majesty values himself upon the Hearts and Affections of his People, and thinks his Throne, when seated there, better establish'd than the most exalted Sovereignty of those who tread upon the Necks of them that rise up against them. Since the World stood, never had any King so great a Cause to rest upon this Security. They were your Hearts that mourned for the Absence of the King: They were your Hearts and Affections which tir'd out all the late Usurpations, by your invincible Patience and Fortitude: It was you that taught our English World to see and know, that no Government cou'd be settled here, but upon the true Foundations of Honour

Honour and Allegiance. This, this alone made way for all the happy Changes which have follow'd. And yet Posterity will have cause to doubt, which was the greater Felicity of the two, That Providence which restored the Crown, or that which sent us such a Parliament to preserve it when it was restored. What may not the King now hope from you? What may not you assure yourselves from him! Can any thing be difficult to Hearts so united, to Interests so twisted and interwoven together, as the King's and yours are? Doubtless the King will surpass himself at this Time in endeavouring to procure the Good of the Kingdom; do but you excel yourselves in the continual Evidences of your Affections, and then the Glory of reviving this State, will be entirely due to this Session. Then they, who wait for the languishing and declension of the present Government, will be amazed to see so happy a Crisis, so blest a Revolution: And Ages to come will find cause to celebrate your Memories, as the truest Physicians, the wisest Counsellors, the noblest Patriots, and the best Session of the best Parliament, that ever King or Kingdom met with.

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Notwithstanding these affecting Speeches, both Houses soon manifested their Discontent at the Continuance of the War with Holland, at the exorbitant Power of France, the Prevalence of Popish Counsels, &c. which they took care to signify, by joining in an Address to his Majesty for a General Fast, using these very Words: 'We your Majesty's most loyal and obedient Subjects, &c. being passionately sensible of the calamitous Condition of this Kingdom, not only by reason of the War wherein it is at present involv'd, but many other intestine Differences and Divisions amongst us, which are chiefly occasioned by the undermining Contrivances of Popish Recusants, whose Numbers and Intolencies are greatly of late increased, and whose restless Practices threaten a Subversion both of Church and State; all which our Sins have justly deserv'd, &c.' To which the King readily comply'd, and the 4th of February was appointed for the Day of Humiliation.

Both Houses
address for a
Fast.

The House of Commons, proceeded with great Warmth and Vigour; and first agreed 'That the humble and hearty Thanks of this House be return'd to his Majesty for those Acts which he had done since the last Prorogation, towards the suppressing and discountenancing of Popery, and for his gracious Promises and Assurances in his last Speech.' But when they proceeded to the Consideration of the Speech itself, which they did upon the same Day, they soon came to this grand Resolve, 'That the House will, in the first place, proceed to have their Grievances effectually redress'd, the Protestant Religion, their Liberties and Properties effectually

Proceedings against Popery.

Resolutions to redress Grievances.

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Address to the
King to raise
the Militia.

Proceedings a-
gainst the Ca-
bal.

The Duke of
Buckingham's
Apology for
himself before
the House.

ly secured, and to suppress Popery, and remove all Persons and Counsellors popishly affected, or otherways obnoxious or dangerous to the Government.' Which being being done, to shew their further Detestation of Popery, they immediately order'd an Address to his Majesty, ' That the Militia of the City of London, and County of Middlesex, may be in readiness at an Hour's Warning, and the Militia of all other Counties of England, at a Day's Warning, for suppressing of all tumultuous Insurrections, which may be occasion'd by Papists, or any other malecontented Persons.' To which Address his Majesty made this gracious Answer: ' That he ' wou'd take a special Care, as well for the Preservation ' of their Persons, as of their Liberties and Properties.'

The House, in the next place, proceeded to strike at three Members of the famous Cabal, which were Buckingham, Arlington and Lauderdale: They began at the last, and resolv'd, *nemine contradicente*, ' That an Address be presented to his Majesty to remove the Duke of Lauderdale from all his Employments, and from his Presence and Counsels for ever, being a Person obnoxious and dangerous to the Government.' Soon after they debated upon some Heads of Accusation against the Duke of Buckingham; but, while the Debate continued, a Letter was sent from the Duke to the Speaker, requesting to be heard before that honourable House, which was granted, and he was admitted with great Ceremony on the 13th Day of January. When his Discourse seem'd so loose and uncertain, that they resolv'd the next day to tie him down to some certain Queries, drawn up in Writing, to which he was to give distinct Answers. Accordingly the next Day he appear'd in great Splendor, and made this following Speech:

' Mr Speaker, I give the House my humble Thanks for the Honour you have twice done me, especially expressing my self so ill Yesterday. I hope you will consider the Condition I am in, in danger of passing in the Censure of the World for a vicious Person, and a Betrayer of my Country: I have ever had the misfortune to bear the Blame of other Men's Faults. I know the revealing the King's Councils, and corresponding with the King's Enemies, are laid against me; but I hope for your Pardon if I speak Truth for my self. I told you Yesterday, if the Triple League had any Advantage in it (I speak it without Vanity) I had as great a hand in it as any Man. Then, upon the Instance of the French Ambassador, I was sent into France upon the sad Subject of condoling the Death of Madam, where I urg'd for the Service of the King, that the French ought not to endeavour to make themselves considerable at Sea, of whom we had reason to be more jealous than of the Dutch, because

the

the French then wou'd have Power to conquer us. When I return'd, I found all Demonstrations that the French had no such Thoughts, but that the King of England shou'd be Master at Sea. I do not pretend to judge whether I or other Men were in the right; I leave the Judgment of that to this honourable House. At this time my Lord Shaftesbury and my self advised not to begin a War without the Advice of the Parliament, and the Affections of the People; this was my Lord Shaftesbury's Opinion and mine, but not my Lord Arlington's. My next Advice was not to make use of French Ships, half their Value in Money wou'd have been more serviceable. I alledg'd they wou'd be of no use to us, by reason of their want of Experience in our Seas, and there wou'd be great Danger in their learning the Use of them; which Advice my Lord Arlington oppos'd: notwithstanding the King was so desirous of avoiding a Breach with France, that he sent me to Dunkirk, and my Lord Arlington to Utrecht, where I still endeavour'd to get Money instead of Ships. At my first Audience, the King of France was willing to comply, but, after some Returns and Letters from hence, he was alter'd; but I make no Reflections upon Persons, but barely state Matters of Fact. Then it was my Lord Shaftesbury's Advice and mine, so to order the War, as that the French shou'd deliver us some Towns of their Conquests into our Hands; an useful Precaution in former Times. My Lord Arlington wou'd have no Towns at all for one Year; and here is the Cause of the Condition of our Affairs. We set out a Fleet with intention to land Men in order to the taking of Towns: the French Army go on conquering and get all, and we get nothing, nor agree for any. Pray consider who it was that was so often lock'd up with the French Ambassador. My Spirit moves me to tell you, that when we were to consider what to do, we were to advise with the French Ambassador. I will not trouble you with Reports; but pray look not upon me as a Peer, but an honest English Gentleman, who has suffer'd much for my Love to my Country. I had a Regiment given me, which was Sir Edward Scott's; I gave him sixteen Hundred Pound for it: There is no Papist Officer in it, nor Irish Man. I shall say nothing of my extraordinary Gains, I am sure I have lost as much Estate as some Men have gotten, and that is a big Word! I am honest, and, when I appear otherwise, I desire to die. I am not the Man that has gotten by all this; yet after all this I am a Grievance: I am the cheapest Grievance this House ever had; and so I humbly ask the Pardon of the House for the Trouble I have given.

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His Answers to
their Queries.

The Speaker then proceeded to ask the Duke the following Questions by Order of the House, to each of which his Grace gave an Answer. 1. Whether any Persons declared to your Grace any ill Advices or Purposes against the Liberties and Privileges of this House, or to alter the Government? Who they were, and what they advis'd? *A.* 'There is an old Proverb, Mr Speaker, Over Shoes over Boots. This reflects upon one that is now living, and so I desire pardon for saying any thing farther, fearing it may be thought a malicious Invention of mine; the Person being dead. I have said nothing yet but what I can justify, but this I cannot.' 2. Some Words fell from your Grace yesterday, wherein you were pleas'd to say you had gotten nothing, but others had gotten three, four or five Hundred Thousand Pounds: Who were they that had gotten it, and by what Means? *A.* 'I am not well acquainted by what means he got so much, being not at all acquainted with the Ways of getting Money. What the Duke of Ormond has got is upon Record, being about five hundred Thousand Pounds; my Lord Arlington has not got so much, but he has got a great deal.' 3. By whose Advice was the Army rais'd, and Monsieur Schomberg made General? *A.* 'I cannot say by whose Advice, but upon my Honour, not by mine. I was told by a Man that's dead, that my Lord Arlington sent for him, and it will be easily prov'd.' 4. By whose Advice was this Army brought up to awe the Debates and Resolutions of the House of Commons? *A.* 'I must make to this the same Answer as I did before; it was a Discourse from a Man dead to one now living. If I had deserved the Honour, I think I might have had the Command of that Army before him; but Schomberg was told my Lord Arlington would have the Government by an Army.' 5. Who made the Triple Alliance? *A.* 'My Lord Arlington and my self were only employ'd to treat; and, finding the Danger we were in of being cheated, we press'd the Ambassadors to sign before they had Power; and, tho' it was an odd Request, yet they did sign.' 6. Who made the first Treaty with France, by which the Triple Alliance was broken? *A.* 'I made that Treaty.' 7. By whose Advice was the Exchequer shut up, and the Order of Payment there broken? *A.* 'I was not the Adviser; I am sure I lost three Thousand Pound by it.' 8. Who advis'd the Declaration in Matters of Religion? *A.* 'I do not disown that I advis'd it; being always of Opinion that something was to be done in that nature in Matters of Conscience, but no further than the King might do by Law.' 9. Who advis'd the attacking the Smyrna Fleet before the War was proclaim'd? *A.* 'It was my Lord Arlington's Advice; I was utterly against it, as careful of the Honour of the Nation,

Nation, and incurr'd some Anger by it. My Lord Arlington principally moved it, and I might say more.' 10. By whose Advice was the second Treaty at Utrecht? *A.* 'My Lord Arlington and I were sent over, and I found in Holland the greatest Consternation imaginable, like the burning of the Rump in England, the People crying, God bless the King of England! and cursing the States; and, had we then landed, we might have conquered the Country. The Prince of Orange wou'd have had the same Share in the Peace with France that we had, but tho' the King's Nephew, I thought he must be kind to his own Country. If we had made Peace then, we had been in a worse Condition than before; and lastly, the Prince of Orange hoped for a good Peace with us upon that Treaty; but I never could consent that France must have all, and we nothing. The Consequence wou'd be, that Holland must entirely depend upon France? and I think it a wise Article, that the French were not to make Peace without us.' 11. By what Counsel was the War begun without the Parliament, and thereupon the Parliament prorogu'd? *A.* 'My Lord Shaftesbury and I were for advising with the Parliament, and averse to the Prorogation. I can say nothing, but I believe the Parliament will never be against a War for the Good of England.' 12. By whose Advice was the Parliament prorogu'd the 4th of November last? *A.* —

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The House was so little satisfy'd with the Duke's Speech, and his several Answers, that, upon a further Debate, they came to this Resolution, 'That an Address be presented to his Majesty, to remove the said Duke of Buckingham from all his Employments that are held during his Majesty's Pleasure, and from his Presence and Councils for ever.' The next Day they enter'd upon a Debate about the Earl of Arlington, who, at his own Request, was likewise admitted to be heard in the House. In making of his Defence, he answered some Parts of the Duke of Buckingham's Speeches, and fairly gave the Honour of the Triple Alliance to Sir William Temple. But he was so far from giving Satisfaction to the House as to his own Conduct, that they presently drew up Articles of Impeachment against him, under this Title; Articles of treasonable and other Crimes of high Misdemeanor against the Earl of Arlington, Principal Secretary of State, viz.

I. The said Earl hath been a constant and vehement Promoter of Popery, and Popish Counsels. 1. By procuring Commissions for all the Papists lately in Command, who made their Application to him only, as a known Favourer of that Faction; there being not one Commission sign'd by the other Secretary, many of which Commissions were procured and sign'd by him since the several Addresses of the

Their Vote against him.

Their Articles of Impeachment against the Earl of Arlington,

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 two Houses of Parliament to his Majesty, and the passing the late Act against Popery. 2. By procuring his Majesty's Letter, commanding Irish Papists and Rebels to be let into Corporations, and admitted into the Commissions of the Peace, and other Offices of Trust, Military and Civil, contrary to the establish'd Laws and Constitutions of that Realm, to the great Terror of the King's Protestant Subjects there. 3. By not only setting up and supporting the aforesaid Papists there, but bringing the most violent and fiercest of them to command Companies and Regiments of the King's English Subjects there, to the great Dishonour and Danger of this Kingdom. 4. By openly and avowedly entertaining and lodging in his Family a Popish Priest, contrary to the known Laws of the Land; which said Priest was a noted Solicitor and Promoter of the Popish Faction, and hath since fled out of this Kingdom. 5. By procuring Pensions in other Men's Names for Popish Officers, contrary to, and in illusion of, the late Act of Parliament. 6. By obtaining Grants of considerable Sums of Money to be charg'd upon the Revenue of Ireland, for the most violent and pernicious Papists there; particularly two thousand Pounds for one Colonel *Fitz-Patrick*, a notorious Irish Rebel, whose Mother was hang'd in the late Wars for murdering several English, and making Candles of their Fat; this Grant being procured for the said *Fitz-Patrick*, at a time when he was accus'd to the said Lord Arlington of high Crimes by the now Lord Lieutenant of Ireland. 7. By procuring his Majesty to release to several Irish Papists, some whereof were deeply engag'd in the horrid Rebellion of that Kingdom, the Chiefries, or Head-Rents reserv'd to the Crown, out of the forfeited Estates of Papists there, being a principal Part of his Majesty's Revenue in that Kingdom.

II. That the said Earl hath been guilty of many undue Practices to promote his own Greatness, and hath embezzled and wasted the Treasure of this Nation; 1. By procuring vast and exorbitant Grants for himself, both in England and Ireland, breaking into the Settlement of that Kingdom, and dispossessing several of the English Adventurers and Soldiers of the Proprieties and Free-Holds, in which they were duly, and legally stated, without any Colour of Reason, or Suggestion of Right. 2. By charging excessive, and almost incredible Sums for false and deceitful Intelligence. 3. By procuring his Majesty's Hand for the giving away, from his first Entrance into his Office, the Value of three Millions of Sterling Money at the least; the several Grants whereof are extant, countersign'd by him, and by him only. 4. That the said Earl, presuming to trample upon all Estates and Degrees of the Subjects of this

this Realm, the better to subdue them to his Will and Pleasure, hath causelessly and illegally imprison'd many of his Majesty's Subjects. 5. That he did procure a Principal Peer of the Realm to be unjustly imprison'd, and to be proclaim'd Traytor, without any legal Proceeding or Tryal, and did maliciously suborn false Witnesses with Money to take away his Life, upon pretence of treasonable Words.

III. That the said Earl hath falsly and traitorously betray'd the great Trust repos'd in him by his Majesty, as Counsellor and Principal Secretary of State. 1. By entertaining a more than usual Intimacy with the French Ambassador, not only lodging him in his House, but letting him into the King's most secret Councils. 2. By altering in private, and singly by himself, several solemn Determinations of his Majesty's Council. 3. By procuring a Stranger to have the chief Command of the late rais'd Army, for the Invasion of Holland, to the great Dishonour and Discouragement of all the legal Nobility and Gentry of this Nation. 4. By advising his Majesty to admit of a Squadron of French Ships to be join'd with our English Fleet, (the sad Consequence whereof we have since felt) notwithstanding the King of France had agreed to send a Supply of Men, in order to have the Fleet wholly English. 5. Whereas the King was advis'd by several of the Counsellors to press the French King to desist from making any farther Progress in the Conquest of the Inland-Towns of Holland, whereof England was to have no Benefit, and to turn his Army upon those Maritime-Towns that were by the Treaty to be ours: his Lordship gave the King Council to desist, whereby that Part of our Expectation was wholly frustrated. 6. Whereas the King was advis'd by several of his Council not to enter into this War, till his Majesty was out of debt, and had advis'd with his Parliament; his Lordship was of Opinion to the contrary, and gave his Advice accordingly. 7. When the French Ships were dispers'd after the late Fight at Sea, and had lost all their Anchors and Cables by reason of the foul Weather that then ensu'd, he perswaded his Majesty to send them eighty Cables and Anchors, although it was then objected, and he knew it to be true, That his Majesty had not at that time any more in his Stores to supply his own Ships in case of the like Necessity. 8. He hath traitorously corresponded with the King's Enemies beyond the Seas, and contrary to the Trust repos'd in him, hath given Intelligence to them.

The Houses next proceeded to prepare a severe Bill, for a general Test, to distinguish between Protestants and Papists, and to prevent the Danger and further Growth of Popery, and for a more easy and speedy Conviction of Popish Recusants; and those that

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A new Test
against Popery.

that shall refuse to take it, be made incapable to enjoy any Office, Military or Civil, to sit in either House of Parliament, or to come within five Miles of the Court. The Test itself was in these Words: I A. B. do solemnly from my Heart, and in the Presence of Almighty God, profess, testify, and declare, That I do not believe in my Conscience that the Church of Rome is the only Catholic and Universal Church of Christ, out of which there is no Salvation; Or that the Pope hath any Jurisdiction or Supremacy over the Catholic Church in general, or over myself in particular, or that it belongs to the said Church of Rome alone to judge of the true Sense and Interpretation of the Holy Scriptures; Or that in the Holy Sacrament of the Eucharist, there is made a perfect Change of the whole Substance of the Bread into Christ's Body, or of the whole Substance of the Wine into Christ's Blood, which Change the said Church of Rome calleth Transubstantiation; Or that the Virgin Mary, or any other Saint, ought to be worshipped, or pray'd unto: And all these aforesaid Doctrines and Positions, I do renounce and disclaim, as False and Erroneous, and contrary to God's Word, and the Christian Religion.

While the House was thus employ'd, on the 24th Day of January, the King came to the House of Peers, and sending for the Commons, he made this significant Speech:

My Lords and Gentlemen,

The King's
Speech concern-
ing certain Pro-
posals for a
Peace.

‘ **A**T the beginning of this Session I told you, as I thought I had reason to do, That the States-General had not yet made me any Proposals which could be imagin'd with Intent to conclude, but only to amuse. To avoid this Imputation, they have now sent me a Letter by the Spanish Ambassador, offering me some Terms of Peace, upon Conditions formally drawn up, and in a more decent Style than before. It is upon this, that I desire your speedy Advice: for, if you shall find the Terms such as may be embraced, your Advice will have great weight with Me; and if you find them defective, I hope you will give me your Advice and Assurance how to get better Terms. Upon the whole matter I doubt not but you will take care of my Honour, and the Honour and Safety of the Nation, which are now so deeply concern'd.’

With this Speech, the King deliver'd to the two Houses Copies of the Memorial from the Spanish Ambassador, together with Proposals from the Dutch in order to a Treaty. Upon the reading of which, and the Dutch Proposals in the House of Commons, they voted their humble and hearty Thanks to be return'd to his Majesty for his most gracious Speech;

Thanks voted,
&c.

Speech ; and immediately after they resolv'd, ' That, upon
 Consideration had upon his Majesty's said gracious Speech,
 and the Proposals of the States-General of the United-Pro-
 vinces, this House is of Opinion, That his Majesty be humbly
 advis'd to proceed in a Treaty with the States-General, in
 order to a speedy Peace.' The Lords also joining in the
 same Resolution of Advice, it was solemnly presented to his
 Majesty, who return'd this Answer ; ' My Lords and Gentle-
 men, I cannot better thank you for your Advice than by
 following it ; which I shall endeavour, and doubt not of
 your Assistance to enable me to perform it.'

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The King's
 Answer.

After this, the House, on the 7th of February, went into a
 Committee of the whole House, to take into their Consider-
 ation the Grievances of the Nation, in which they particu-
 larly resolv'd, ' That the Continuance of any Standing-
 Forces in this Nation, other than the Militia, is a great
 Grievance and Vexation to the People ; and it is the humble
 Petition and Address of this House to his Majesty, That he
 will immediately cause to be disbanded that Part of them
 that were rais'd since the 1st Day of January, 1663.' This
 Matter gradually led them into an uncommon Debate con-
 cerning the King's Guards, which had been establish'd soon
 after the Restoration ; and these following Reasons were
 given in, for disbanding the Horse and Foot-Guards, com-
 monly call'd the King's Life-Guard. 1. ' That, according
 to the Laws of the Land, the King hath no Guards but
 those called Gentlemen-Pensioners, and Yeomen of the Guard.

Resolution con-
 cerning
 Grievances.

2. That ever since this Parliament, although there have
 been so many Sessions, they never settled the Life-Guard by
 Act of Parliament ; nay, they have been so far from it, that,
 whensoever they have been so much as mention'd in the
 House of Commons, they would never in the least take any
 favourable Notice of them, always looking upon them,
 as a Number of Men unlawfully assembled, and in no re-
 spect fit to be the least countenanc'd by the Parliament of
 England. 3. That they are of vast Charge to the King
 and Kingdom. 4. That they are altogether usefess to this
 Kingdom, as doth plainly appear by his Majesty's most happy
 and peaceable Reign since his blessed Restoration ; there be-
 ing so much real and mutual Love, Confidence and Trust
 between his Majesty and his good People, which is daily
 manifested by his Majesty's frequent trusting and ex-
 posing his Sacred Person to his People without a Guard.
 5. That Guards, or Standing-Armies, are only in use where
 Princes govern more by Fear, than by Love, as in France,
 where the Government is arbitrary. 6. That this Life-
 Guard is a Standing-Army in disguise, and that as long as
 they continue, the Roots of a Standing-Army will remain
 amongst

Reasons against
 the King's
 Guards.

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amongst us; and therefore it is impossible effectually to deliver this Nation from a standing Army, till these Guards are pull'd up by the Roots. 7. That the Life-Guard is a Place of Refuge and Retreat for Papists and Men popishly affected, and a School and Nursery for Men of debauched and arbitrary Principles, and Favourers of the French Government, as did too plainly appear in the Case of Sir John Coventry. 8. That if the Life-Guard were disbanded, the King wou'd thereby save some hundred thousands of Pounds *per Annum*; which wou'd in a few Years enable him to pay all his Debts, without burdening his good People with any further Taxes to that End.

On the 11th Day of February, the King came to the House of Peers, and sending for the Commons, made this Speech to both Houses:

My Lords and Gentlemen,

The King's
Speech to both
Houses, on the
Conclusion of
the Peace with
Holland.

IN pursuance of your Advice, I have made a speedy, an honourable, and I hope a lasting Peace with the Dutch. As to your Address for the disbanding of the Forces, I have, since the Peace made with the Dutch, given Orders for disbanding them; nay, I have order'd to disband more than you desired. As for your Address about the Irish Regiments, I have order'd to send them back into Ireland. But I must needs acquaint you, That there is a great want of Capital Ships, and I wou'd be glad to be equal in Number with my Neighbours, and I hope I shall have your Assistance upon so good an Occasion, to preserve the Honour and Safety of this Nation.

Thanks re-
turn'd.

This Speech produc'd an immediate Resolution, That the humble and hearty Thanks of their House be return'd to his Majesty for his making a speedy Peace, and for his gracious Answers to the Addresses of their House concerning the standing Forces.

Further Pro-
ceedings.

After which, they proceeded to the further Consideration of the Grievances of the Nation, and particularly voted, 'That a Committee be appointed to inspect the Laws lately made in Scotland, whereby an Army is authoriz'd to march into England, or Ireland; and peruse such other Laws as do tend to the Breach of the Union of the two Nations.' They likewise in a grand Committee, shortly after took into their Consideration the State and Condition of the Kingdom of Ireland, and resolv'd, 'That a Committee be appointed to inspect the State and Condition of that Kingdom; and more especially to consider of the State of Religion; and the Militia, and the Forces of that Kingdom, and examine the Matters of Fact relating thereunto. About the same time,

Time, when they were upon the Topic of Grievances, they appointed another Committee ' To inspect the Laws, and to consider how the King may commit any Subject by his immediate Warrant, as the Law now stands, and to report their Opinions: And further, they were order'd to consider how the Law now stands touching the Committing of Persons by the Council-Table, and to report the same.' Upon which Occasion, they brought in a particular Bill concerning Writs of Habeas Corpus, a Bill much for the Liberty of the Subject, which was read three times, and pass'd. They likewise order'd a Bill to be brought in, For a Test to be taken by the Members of both Houses. But on the 24th Day of February the King came to the House of Peers, where sending for the Commons, he made this following Speech to both Houses:

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The Habeas
Corpus Bill
pass'd.

' My Lords and Gentlemen,

' **W**hen I was here last, I told you the Peace was sign'd; I am now come to tell you it is ratify'd; and I hope it will prove a happy. and lasting Peace to both Nations. This, and the Spring coming on so fast, it will be convenient for you to be in your Countries, both for your own Business and mine. And I therefore think fit to make a Recess at this Time, the Winter being more convenient for Business. In the mean time, I will do my Endeavour to satisfy the World of my Stedfastness for the securing the Protestant Religion, as it is now establish'd, and your Properties; and I desire that you, in your several Counties, will endeavour to satisfy the People therewith. I have no more to say at this time, but that I have commanded my Lord-Keeper to prorogue the Parliament to the tenth of November next.'

The King's
Speech at the
Prorogation.

And accordingly the Lord-Keeper prorogu'd both Houses to that time.

On the 13th Day of April both Houses of Parliament met at Westminster, according to a subsequent Prorogation, after a Recess of almost fourteen Months. When the King open'd the Session with the following Speech from the Throne to both Houses:

The fourteenth
Session of the
Second Parlia-
ment.

' My Lords and Gentlemen,

' **T**HE principal End of my calling of you now, is to know what you think may be yet wanting to the Security of Religion and Property, and to give myself the Satisfaction of having used the utmost of my Endeavours to procure and settle a right and lasting Understanding between us: For I must tell you, I find the contrary so much

TOME I. C c labour'd,

The King's
Speech to both
Houses.

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‘ labour’d, and that the pernicious Designs of ill Men have
 ‘ taken so much place under specious Pretences, that it is
 ‘ high time to be watchful in preventing their Contrivances;
 ‘ of which this is not the least, That they wou’d, by all
 ‘ means they can advise, make it unpracticable any longer
 ‘ to continue this present Parliament. For that reason, I
 ‘ confess, I cannot think such have any good Meaning to Me:
 ‘ And therefore when I consider how much the greatest part
 ‘ of this Parliament has either Themselves or Fathers, given
 ‘ me Testimonies of their Affections and Loyalty, I shou’d
 ‘ be extreme loth to oblige those Enemies, by parting with
 ‘ such Friends: And they may be assur’d, That none shall
 ‘ be able to recommend themselves to Me by any other
 ‘ Way, than their good Services. I have done as much
 ‘ on my part as was possible, to extinguish the Fears and
 ‘ Jealousies of Popery; and will leave nothing undone that
 ‘ may shew the World my Zeal to the Protestant Religion,
 ‘ as it is establish’d in the Church of England, from which
 ‘ I will never depart.

‘ I must needs recommend to you the Condition of the
 ‘ Fleet, which I am not able to put into that Estate it ought
 ‘ to be, and which will require so much Time to repair
 ‘ and build, that I shou’d be sorry to see the Summer (and
 ‘ consequently a whole Year) lost, without providing for it.
 ‘ The Season of the Year will not permit any long Session;
 ‘ nor wou’d I have call’d you now, but in hopes to do some-
 ‘ thing that may give Content to all my Subjects, and to
 ‘ lay before you the Consideration of the Fleet; for I intend
 ‘ to meet you again in Winter. In the mean time, I
 ‘ earnestly recommend to you all, such a Temper and Mo-
 ‘ deration in your Proceedings, as may tend to unite us all
 ‘ in Council and Affections, and disappoint the Expectations
 ‘ of those, who can hope only, by violent and irregular Mo-
 ‘ tions, to prevent the bringing this Session to a happy Con-
 ‘ clusion. The rest I leave to my Lord-Keeper.’

The Lord
 Keeper Finch’s
 Speech.

Accordingly the Lord-Keeper proceeded thus; ‘ My
 Lords, &c. The Solemnity of this Day’s appearance
 is equal to the Weight and Importance of the Occasion:
 The Matters to be treated of, deserve no less than an As-
 sembly of the Three Estates, and a full Concourse of all the
 Wise and Excellent Persons who bear a Part in this great
 Council, and do constitute and compleat this high and ho-
 nourable Court.—His Majesty begins with the Considera-
 tion of Religion; He sees it is the first Thing in all your
 Thoughts, and you cannot but see that it hath been, and is
 still, the first and principal part of his Care. He hath also
 considered

considered Religion, first in general, as it is Protestant, and stands in opposition to Popery: And upon that account it is that he hath awaken'd all the Volumes of our Laws against the Papists: There is not one Statute extant in all the Volumes of our Laws, but his Majesty hath now put in a way of taking its full Course against them. And upon this account also it is, That in a League lately renew'd with a Protestant Crown, his Majesty hath made it one Article of that League, that there shall be a mutual Defence of the Protestant Religion. His Majesty hath consider'd Religion again more particularly, as it is the Protestant Religion establish'd by Law in the Church of England; He sees that, as such, it is not only best suited to the Monarchy, and most likely to defend it, but most able to defend itself against the Enemies of all Reformation: And therefore upon this account it is that his Majesty, with equal and impartial Justice, hath revived all the Laws against Dissenters and Nonconformists; but not with equal Severity: For the Laws against the Papists are edg'd, and the Execution of them quicken'd by new Rewards propos'd to the Informers: Those against Dissenters are left to that Strength which they have already. Both these, and all other Laws whatsoever, are always understood to be subject to the Pleasure of a Parliament, which may alter, amend, or explain them as they see cause, and according with public Convenience. For when we consider Religion in Parliament, we are suppos'd to consider it as a Parliament shou'd do, and as Parliaments in all Ages have done; That is, as it is a Part of our Laws, a Part, and a necessary Part of our Government. For as it works upon the Conscience, as it is an inward Principle of the Divine Life by which good Men do govern all their Actions, the State has nothing to do with it, 'tis a thing which belongs to another Kind of Commission than that by which we sit here.——

' In the next place, the King hath thought fit to direct your Considerations upon the Safety and Honour of the State; both which are then best provided for, when we keep up the Strength and Reputation of our Fleet. It is not altogether the natural Decay of Shipping, no nor the Accidents of War, that have lessen'd our Fleet, tho' something may be attributed to both these; but our Fleet seems rather to be weakened for the present, by being out-grown and out-built by our Neighbours.' Then proceeding to discourse of the Laws in general, he told them, ' In making of Laws therefore it will import us to consider, That too many Laws are a Snare, too few are a Weakness in the Government; too gentle are seldom obey'd, too severe are as seldom executed; and Sanguinary Laws are for the most part either the Cause or the Effect of a Distemper in the State. To establish

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this State there seems not to need many Laws; some will always be wanting: And tho' all that is wanting shou'd not now be finish'd, yet whatever shall remain unfinished may be perfected in Winter, at which time we have a gracious Intimation from his Majesty, that we shall meet again.' Then, speaking of the present Happiness of the Nation, he proceeded thus: ' We are newly gotten out of an expensive War, and upon Terms more honourable than ever. The whole World is now in Peace with us; all Ports are open to us, and we exercise a free and uninterrupted Traffic through the Ocean: And we are reaping the Fruits of all this Peace by a daily Improvement of our Trade, and the Encrease of our Shipping and Navigation. Our Constitution seems to be so vigorous and strong, that nothing can disorder it, but ourselves. No Influences of the Stars, no Configurations of the Heavens are to be fear'd, so long as these two Houses stand in a good Disposition to each other, and both of them in a happy Conjunction with their Lord and Sovereign. Why shou'd we doubt it? Never was Discord more unseasonable. A Difference in Matters of the Church wou'd gratify the Enemies of our Religion, and do them more Service than the best of their Auxiliaries. A Difference in Matters of State wou'd gratify our Enemies too, the Enemies of our Peace, the Enemies of this Parliament, that hope to see, and practise to bring about, Revolutions in the Government. They well understand, That the best Health may be destroy'd by too much Care of it; an anxious, scrupulous Care, a Care that is always tampering; a Care that labours so long to purge all ill Humours out of the Body, that at last it leaves neither good Blood nor Spirits behind. In like manner there are two Symptoms which are dangerous in every State, and of which the Historian hath long since given us Warning: One is, when Men do *Quieta movere*; when they stir those Things or Questions which are, and ought to be in Peace; and, like unskilful Architects, think to mend the Building by removing all the Materials which are not plac'd as they wou'd have them. Another is, *Cum Res parvae magnis Motibus aguntur*; When Things, not of the greatest Moment, are agitated with greatest Heat; and as much Weight is laid upon a new, and not always very necessary Proposition, as if the whole Sum of Affairs depended upon it.—

' My Lords and Gentlemen, The King is far, infinitely far, from fearing any Excess of this kind here; He knows too well the Wisdom, the Honour, and the Loyalty of this great Assembly, to apprehend any kind of Error either in your Judgments, or your Affections. He does not only find himself safe, but he thinks himself arm'd too, while he is attended with such a Nobility, such a Gentry as this. You
that

that were able to raise the King's Affairs, when they were in the lowest and most deplor'd Condition, will surely be able to keep them from any Relapse. You that were able to make this Government take root again, will surely be able to preserve it in a growing and flourishing Estate. Such Pilots need not fear a Storm! If you could, this Consideration alone were enough to support you, *That you carry Caesar and his Fortunes*; you serve a Prince in whose Preservation Miracles are become familiar; a Prince in whose Style *Dei Gratia* seems not to be written by a vulgar Pen, but by the Arm of Omnipotence itself. Raise up then, by your Example, the Hearts and Hopes of all those whom ill Men have wrought upon to such a degree, as to cast them into a Sadness, and into a Despondency, which is most unreasonable. What the Romans scorn'd to do after the Battle of *Canne*, what the Venetians never did when they had lost all their *Terra Firma*; That Men are now taught to think a Virtue, and the Sign of a wise and good Man, *Desperare de Republicâ*. And all this in a time of as much Justice and Peace at home; As good Laws for the Security of Religion and Liberty; As good Execution of those Laws; As great Plenty of Trade and Commerce abroad, and as likely a Conjunction of Affairs for the Continuance of these Blessings to us, as ever Nation prosper'd under. Confirm the Faith then of those that are made weak, by shewing them the Stedfastness of your Belief; give the King the Hearts of all his Subjects, by making him a Present of yours. Then will the King esteem himself a richer Prince than if he were possess'd of all the Treasures of the East: Then, tho' this Session should close in a few Weeks, yet it may be perpetual for the Fruit it shall produce, and for the Commemoration that will follow it. Then will this Year be a true Year of Jubilee; and we shall have nothing to wish or pray for in this World, but the blessed Continuance of his Majesty's long and happy Reign over us.

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The first Step the House took after this, was to vote, 'Their humble and hearty Thanks to his Majesty for his gracious Promises and Assurances, explain'd in his said Speech, to preserve and maintain us in the Establish'd Religion, and our Properties according to Law, and for Calling us together at this time for that purpose.' Which being presented to the King in a full Body in the Banqueting-House, his Majesty return'd this gracious Answer, 'That he had a great Confidence in his House of Commons; and that the said House may be confident that he would always preserve them in the Establish'd Religion, and in their Liberties and Properties.' This did not hinder them however from an immediate Proceeding to a new Bill against the Growth of Popery;

The Commons
Address.

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Their Resolves
against Popery.

per; in debating of which they came to these three Resolves. 1. ' That in the Bill there be inserted a Clause for Payment of a considerable Reward to any Person that shall discover any Popish Priest, who, upon Trial, shall be prov'd to be so, to be paid by the Person to whom he shall be prov'd to have said Mass, or by such as have wittingly receiv'd, succour'd or entertain'd such Popish Priest. 2. That he shall be esteem'd to be a Popish Priest, who shall be prov'd to have said Mass, or officiated either in this Realm, or in any foreign Country, in the manner of a Priest, according to the Usage of the See of Rome, if such Priest be not reconciled to the Church of England; and that these Votes shall not prejudice the Laws now in being concerning Popish Priests. 3. That Penalties be laid on all that are prov'd to have remain'd with any such Popish Priest, when he shall be saying Mass, or officiating in the Manner of a Priest, according to the Usage of the See of Rome.' Shortly after, they added two Resolves more, *viz.* 1. ' That a Clause be inserted into the Bill, to regulate and restrain Mr. Attorney-General to enter any *Noli prosequi*. 2. That another Clause be inserted for the more effectual Prosecution, and Levying of Penalties upon Popish Recusants.

Dr. Burnet's Information
against the
Duke of
Lauderdale.

After they had shewn their Dislike and Resentment against the Papists and their Proceedings, they resolv'd to take notice of the Duke of Lauderdale, the only remaining Person in Favour, of the late Cabal. And to compleat their Accusation against him, they had the Testimony of Dr. Gilbert Burnet, an eminent Scottish Divine, who had formerly been intimate with his Grace, but, for good Reasons, had alter'd his Opinion of him, and his Actions. What he testify'd against this Minister was, ' That, coming into England, the first Saturday in September 1673, he went to visit the Duke of Lauderdale in his Lodgings in Whitehall, where the Duke and he discours'd of the Affairs of England and Scotland, and particularly of the Proceedings of Parliament concerning the Declaration for suspending Penal Laws in Matters Ecclesiastical: And being afterwards ask'd, *Whether, if Scotland being call'd to assist the King, they would assist him or not*, he answer'd, *he thought they would not*; but the Duke reply'd, *He believ'd they would, and that his coming into England would bring a great many*. That the Duke asking him of the Affairs of Scotland, he answer'd, *The People in Scotland that were at such a distance, could not imagine what to think of the King's Speech and Declaration*. Whereunto the Duke reply'd, *Hinc ille Lachryma! and that all had forsaken the King but himself and the Lord Clifford*.

Upon which, and other Informations, the Commons drew up a particular Address against him to the King, which, after

after the Preamble, runs thus: ' Yet. we find, upon serious Examination of the State of this Kingdom, That there is a great Jealousy arisen from some late Proceedings in the Hearts of your Subjects, That some Persons, in great Employment under your Majesty have fomented Designs contrary to the Interest both of your Majesty and your People, intending to deprive us of our ancient Rights and Liberties, &c. Among those who are at present employ'd under your Majesty, we have just Cause to accuse for a Promoter of such Designs the Duke of Lauderdale, lately created Earl of Guilford, because we have heard it testify'd in our House by several of our own Members, That, in the Hearing before the Council of the Case of Mr. Whaley, who had committed Mr. James contrary to your Majesty's Declaration of the 15th of March, 1671, He the said Duke of Lauderdale did openly affirm, in the Presence of your Majesty sitting in Council, and before divers of your Subjects attending there, *That your Majesty's Edicts ought to be obey'd; for your Edicts are equal with Laws, and ought to be obey'd in the first place:* thereby, as much as in him lay, justifying the said Declaration, and the Proceedings thereupon, and declaring his Inclinations to arbitrary Councils, in Terror of your good People. And we are farther confirm'd in this Opinion by late Acts of Parliament of a very strange and dangerous Nature, which we have observ'd amongst the printed Statutes of your Kingdom of Scotland; the first whereof was in the Third Session of the First Parliament held there under your Majesty, Cap. 25. and the other in your Majesty's second Parliament, Cap. 2. the like whereof was never past since the Union of the two Kingdoms, and are directly contrary to the Intention of an Act past here in the fourth Year of the Reign of King James, *For the utter Abolition of all Memory of Hostility, and the Dependencies thereof between England and Scotland, and for the Repressing of Occasions of Discords and Disorders in Time to come;* and of a like Act past about the same time in the Kingdom of Scotland. By force of which said late Acts, there is a Militia settled in that Kingdom of twenty thousand Foot and two thousand Horse, who are oblig'd to be in a Readiness to march into any Part of this Kingdom, for any Service wherein your Majesty's Honour, Authority and Greatness may be concern'd; and are to obey such Orders and Directions as they shall, from time to time, receive from the Privy-Council there. By colour of which general Words we conceive this Realm may be liable to be invaded under any Pretence whatsoever; and this hath been done, as we apprehend, principally by the Procurement of the said Duke of Lauderdale; he having, all the

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the time of these Transactions, been principal Secretary of the said Kingdom, and chiefly entrusted with the Administration of Affairs of State there, and himself Commissioner for holding the Parliament at the time of passing the latter of the said Acts, whereby the providing of the said Horse and Foot is effectually impos'd upon the said Kingdom, and that extraordinary Power vested in the Privy-Council there : And we conceive we have just Reason to apprehend the ill Consequences of so great and unusual a Power ; especially when the Affairs of that Kingdom are manag'd by the said Duke, who hath manifested himself a Person of such pernicious Principles. We do therefore, in all Humility implore your sacred Majesty, considering how universal a Fame and Clamour of the said Misdemeanors runneth openly throughout this your Realm, that for the Ease of the Hearts of your People, who are possess'd with extraordinary Grief and Sorrow to see your Majesty thus abus'd, and the Kingdom endanger'd, your Majesty wou'd graciously be pleas'd to remove the said Duke of Lauderdale from all his Employments, and from your Majesty's Presence and Councils for ever, as being a Person obnoxious and dangerous to the Government.

The King's
Answer.

After some Time of Consideration, the King return'd the following Answer to the House of Commons in Writing : ' His Majesty hath consider'd of the Address against the Duke of Lauderdale, and the Reasons accompanying it : As to the Acts of Parliament mention'd to have been pass'd in Scotland, his Majesty observes that the first of those Acts was in the Year 1663, which was long before the Duke of Lauderdale was his Majesty's Commissioner in that Kingdom ; and the latter was in pursuance of the former. And as to the Words, by the Time of Mr. Whaley's Cause, his Majesty perceiving, that, if they had been spoken, they must have been spoken before the late *Act of General Pardon* : And his Majesty being sensible how great a Satisfaction and Security, the inviolable Preservation of the former *Act of Indemnity and Oblivion* hath been to all his Subjects ; cannot but apprehend the dangerous Consequences of enquiring into any thing that hath been pardoned by any Act of General Pardon ; lest the Example might give Men cause to fear their Security under the Act of Oblivion.' This Answer was so little satisfactory to the Commons, that they afterwards resolv'd to draw up another Address against the Duke ; but that, as well as many other Matters, proved abortive.

Proceedings
against Lord
Danby.

The House proceeded to take the Lord Treasurer Danby's Conduct into Consideration, against whom they prepar'd the following

following Articles. I. That the Earl had overthrown the ancient Course and Constitution of the Exchequer, by perverting the Method of Receipts, in Payments and Accounts contrary to Law; whereby the King's Revenue is put into Confusion and a wastful Way of Expence, to the destruction of his Credit, and exposing his Treasure to private Bargains and Corruptions; and had engross'd to himself the Power of disposing all the King's Revenues; laying aside the Chancellor and Under-Treasurer of the Exchequer, whereby all Checks and Contralls are avoided. II. That a Suit of Law being intended about the Marriage of the Daughter of Sir Thomas Hyde, the said Earl caus'd one Mr. Brandley, a Principal Witness in the Cause, to be arrested by an extraordinary Warrant from one of the Secretaries of State, and to be kept for some time in close Custody; during which the Earl's Agents labour'd with Mr. Brandley, by Threats and Promises, not to declare the Truth, and at Midnight he was brought and examin'd before the King in the Presence of the Earl; whereupon Mr. Brandley was induc'd to deliver in a Testimony against his own Knowledge and Conscience, he being then in duress: And all this was done with an Intent to procure the said Heiress to be married to the Earl's second Son. III. That the Earl had receiv'd very great Sums of Money, besides the extraordinary Revenue, which had been wastfully spent; and far greater Sums than ever issu'd out for secret Service, without Account; the King's Debts remaining unpaid, the Stores unfurnish'd, and the Navy unrepair'd. IV. The Earl had violated the Rights and Properties of the People, by stopping, without Authority, those legal Payments due in the Exchequer. V. That tho' the Office of a Lord-Treasurer is always very full of necessary and great Employments, yet the Earl had also assum'd to himself the Management of the Irish Affairs, which before were always dispatch'd by the Secretaries, and pass'd in Council; thereby subtly enabling himself the better to convert great Sums of Money out of the Irish Revenues to his own private Advantage. VI. That the Earl had procur'd great Gifts and Grants from the Crown, whilst under great Debts, by Warrants countersign'd by himself. VII. That on Decemb. 4, 1674, at the hearing of a Cause in the Treasury-Chamber, some Acts of Parliament, now in being, were urg'd against a Proclamation, and contrary to what his Lordship aim'd at; whereupon the Earl, in Contempt of the Law, utter'd this Arbitrary Expression, That a new Proclamation is better than an old Act. Upon his Lordship's Report to the Privy-Council, the Person in question being a Foreigner, and not obeying such Proclamation, but pursuing this Right at Law, was banish'd the Kingdom.

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Articles against
the Earl of
Danby.

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An Address to
the King for
recalling the
English Troops
in the French
Service.

The King's
Answer.

A second Ad-
dress.

This was the Sum of their Accufation; but when the Articles were particularly and at several Times examin'd, they first struck out one, and then another, till, upon the whole, they concluded that there was not sufficient Ground for an Impeachment against him.

After this, the House presented an humble Address to his Majesty for the speedy recalling all his Subjects home out of the French King's Service; and for hindering any more from going over for that Service for the future. To which the King return'd this Answer in Writing: ' That such ' Troops of his Subjects that were in the most Christian King's ' Service, before the late Treaty made with the States-Ge- ' neral of the United Provinces, and were not by that to be ' recall'd, as they are at present become inconsiderable in ' their Number; so his Majesty conceives they cannot be ' recall'd, without derogating from his Honour and Digni- ' ty, and to the prejudice of the Peace he now enjoyeth; ' which he hath publicly profess'd to maintain with all his ' Neighbours. But as to the prohibiting the going over of ' any more, his Majesty will renew his Proclamation; and ' use all other effectual Means both to forbid and hinder it.' This occasion'd a second Address, that the Officers of the several Ports do take care for hindering any more going over for that Service for the future.

About this Time, the grand Debate, between the two Houses concerning Privileges in the Case of Dr. Shirley and Sir John Fagg, took place, which is as follows:

*Proceedings in the House of COMMONS, on an
Appeal being brought in the House of LORDS,
by Dr. SHIRLEY, against Sir JOHN FAGG,
and others their Members; May, 1675,
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Sir John Fagg's
Complaint.

M *Artis, 4 Maij, 1675.* Sir John Fagg, Bart. this Day informing the House, that he was summon'd to appear to a Petition in the House of Lords, a Committee was thereupon appointed to search for Precedents to that purpose.

Mercurij, 5 Maij. Resolved, That a Message be sent to the Lords to acquaint them that this House hath received Information, that there is a Petition of Appeal depending before them, at the Suit of Thomas Shirley Esq; against Sir John Fagg, a Member of this House; to which Petition he is, by order of the House of Lords, directed to answer on Friday next: And to desire the Lords to have a Regard to the Privileges of this House; and that Sir Trevor Williams do go up with the Message to the Lords.

Sir Trevor

Sir Trevor Williams reports, that he had attended the Lords with the Message of this House, concerning Sir John Fagg; and the Lords will return an Answer by Messengers of their own.

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Veneris, 7 Maij. A Message from the Lords by Sir William Beversham and Sir Samuel Clarke.

A Message from the Lords.

Mr. Speaker, the Lords have consider'd of the Message received from the House of Commons, concerning Privilege in the Case of Sir John Fagg, and do return this Answer, That the House of Commons need not doubt, but that the Lords will have a Regard to the Privilege of the House of Commons, as they have of their own.

Sabbati, 8 Maij. A Committee was appointed to inspect the Lords Journals, to see what Entries are therein made against Sir John Fagg, a Member of this House, and to report the same.

Mercurij, 12 Maij. Dr. Thomas Shirley ordered to be sent for in Custody, to answer his Breach of the Privileges of this House, in prosecuting a Suit by Petition of Appeal in the Lords House, against Sir John Fagg, a Member of this House, during the Session and Privilege of Parliament.

And a Committee is also to inspect the Lords Journals, to see what hath been done in like Cases; and the said Sir John Fagg is ordered not to proceed, or make any Answer to the said Appeal, without the Licence of this House.

Veneris, 14 Maij. Sir Thomas Lee reports from the Committee appointed to inspect the Journals of the House of Lords, and the Entries therein, in the Case between Dr. Thomas Shirley and Sir John Fagg, a Member of this House, that the Committee had perused the Journals of the Lords House, and found the Entries to be as follow.

Sir Thomas Lee's Report from the Lords Journals.

April, the 30th. 'Thomas Shirley, Esq; presented a Petition to the Lords.'

Ordered, 'That the said Sir John Fagg may have a Copy of the said Petition and put in his Answer thereunto in Writing, on Friday the 7th Day of May next, at Ten of the Clock in the Forenoon, if he thinks fit.'

May, the 5th. 'The Commons send a Message by Sir Trevor Williams: The Knights, Citizens, and Burgessees of the House of Commons, in Parliament assembled, have been informed, that there is a Petition of Appeal depending before their Lordships, at the Suit of Thomas Shirley Esq; against Sir John Fagg a Member of their House; to which Petition he is, by their Lordships Order, directed to answer, on Friday next, and desire their Lordships to take care of their Privileges.'

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Answer. ' That this House have considered of their Message, and will send an Answer by Messengers of their own.'

Ordered, ' That the Committee for Privileges do meet this Afternoon to consider of the Messages received from the House of Commons this Day, concerning Thomas Shirley Esq; and Sir John Fagg, a Member of the House, and search Precedents in the Case, and report to the House to-morrow Morning.'

May the 6th. The Earl of Berks reported, ' That the Committee of Privileges having met and considered of what was referred to them, in the Case between Thomas Shirley Esq; and Sir John Fagg, a Member of the House of Commons, and a Message from the House of Commons thereupon; have ordered him to report, that the Committee have found that the House did refer the Business of Mr. Hale and Mr. Slingsby, upon the like Message of the House of Commons, to the Committee of Privileges; who did report to the House, that it is the undoubted Right of the Lords in Judicature, to receive and determine in Time of Parliament, Appeals from inferior Courts, though a Member of either House be concerned, that there may be no Failure of Justice in the Land; and the House did agree with the Committee therein: And thereupon the Committee do humbly offer to their Lordships, upon this Occasion, to take the same Course, and to insist upon their just Rights in this Particular, which their Lordships will be pleased to signify to the House of Commons, in such Manner as they shall think fit.'

The House agreed with the Committee in this Declaration, and ordered the same to be entered into the Journal-Book of this House as their Declaration, viz.

' That it is the undoubted Right of the Lords in Judicature, to receive and determine, in time of Parliament, Appeals from inferior Courts, tho' a Member of either House be concerned, that there may be no Failure of Justice in the Land.'

Then it was moved that the former Answer sent to the House of Commons in the Case of Mr. Slingsby and Mr. Hale, might be given now to the House of Commons, in this Case of Sir John Fagg; and that the Declaration and Report, agreed to this Day, might be added to it.'

The Declaration aforesaid was read, and the question being put, Whether this shall be as a part of the Answer to be given to the House of Commons? It was resolved in the Negative.

The Answer returned formerly to the House of Commons, in the Case of Mr. Slingsby, and Mr. Hale, was in these Words: ' That the House of Commons need not doubt but

but that their Lordships will have a regard to the Privileges of the House of Commons, as they have of their own.

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The Question being put, Whether this Answer shall be now returned to the Message from the House of Commons? It was resolved in the Affirmative.

May the 7th, it was sent accordingly.

May 7. Whereas this Day was appointed for Sir John Fagg to put in an Answer to the Petition and Appeal of Thomas Shirley Esq; depending in this House, if he thought fit; the said Sir John Fagg appearing personally this Day at the Bar, and desiring longer Time to put in an Answer thereunto:

It is thereupon ordered that the said Sir John Fagg hath hereby farther Time given him for putting in his Answer, till Wednesday next, being the 12th Day of this Instant May, at Ten o'Clock in the Forenoon.

May 12. Sir John Fagg put in his Answer to the Petition of Mr. Shirley. A Debate arising thereupon, touching the Privilege of their House,

Resolved, &c. That the Appeal, brought by Dr. Shirley in the House of Lords against Sir John Fagg, a Member of this House, and the Proceedings thereupon, is a Breach of the undoubted Rights and Privileges of this House.

Resolution thereon.

The House being informed, that the Warrant of this House for taking of the said Dr. Shirley into Custody, was forcibly taken away and detained from the Serjeant at Arms his Deputy, attending this House, by the Lord Mohun: And the Serjeant's Deputy being called in and examined as to the Matter of Fact, gave this Testimony:

That he found Dr. Shirley in the inner Lobby of the House of Lords, and that he came to him and desired to speak with him, and acquainted him, that he had a Warrant from the House of Commons to apprehend him, and desired to know whether he could shew him any Reason to excuse him, that he might not serve the Warrant on him: And that he likewise told him, that he would not execute the Warrant on him in that Place, but desired of him that he would go along with him freely; and that in case he would not, he would take his Opportunity in another place.

And that the said Lord Mohun coming in, in the mean time, required him to shew his Warrant; which he producing, the Lord Mohun laid hands on it, and held it so fast, that it was in danger of being torn; and that therefore he was forced to part with it, and desiring to have it again, the Lord Mohun refused it, but carried the Warrant into the House of Lords. That Dr. Shirley afterwards refused to go along with him, saying, that he was not then his Prisoner; and that, several Persons interposing, the

Doctor

Annals 27th Chas. II. 1675. Doctor escaped from him; and a Debate arising thereupon, *Resolved*, That a Message be sent to the Lords to complain of Lord Mohun, for forcibly taking away and detaining the Warrant of this House, from the Deputy Serjeant at Arms, for taking of Dr. Shirley in Custody; and to demand the Justice of the Lords House against the said Lord Mohun.

And that the Lord Antram do go up to the Lords with the Message.

Dr. Shirley
order'd to be
taken into Cu-
stody.

Ordered, That Mr. Speaker do issue forth a new Warrant to the Serjeant at Arms attending this House, for apprehending Dr. Thomas Shirley, to answer his Breach of Privilege, for prosecuting a Suit by Petition of Appeal in the Lords House against Sir John Fagg, a Member of this House, during the Session and Privilege of Parliament.

Lord Antram's
Report from
the Lords.

Sabbati, 15 Maij, 1675. The Lord Antram reports from the Lords, that he had, in obedience to the Commands of this House, attended the Lords, and delivered the Message concerning the Lord Mohun's taking away, and detaining the Warrant for apprehending Dr. Shirley, and that the Lords had returned this Answer:

' *Gentlemen of the House of Commons*, The Lords have considered of your Message, and of the Complaint therein; and they return you this Answer, that they find the Lord Mohun hath done nothing but what is according to his Duty.

The House then resumed the Debate of the Matter concerning the Privileges of this House; and the Matter being debated,

Dr. Shirley's
Appeal voted a
Breach of Pri-
vilege.

Resolved, &c. That the Appeal, brought by Dr. Shirley in the House of Lords against Sir John Fagg, a Member of this House, and the Proceedings thereupon, is a Breach of the undoubted Rights and Privileges of the House of Commons; and therefore the Commons desire, that there be no farther Proceedings in that Cause before their Lordships.

A Conference
desired with the
Lords.

Ordered, That a Conference be desired with the Lords concerning the Privileges of this House, in the Case of Sir John Fagg; and that Sir Thomas Lee do go up to the Lords to desire a Conference.

A Message
from the Lords.

A Message from the Lords by Sir Mondeford Bramston, and Sir William Glascock.

' Mr. Speaker, We are commanded to let this House know that the Lords spiritual and temporal, assembled in Parliament, having received a Warrant, signed Edward Seymour, which they have appointed us to shew you; and desire to know whether it be a Warrant ordered by this House: The matter of the Message being debated, the Question being put, that the Word unparliamentary be part

of the Answer to the Lords Message, is passed in the Negative. Ann 27 Car. II.
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Resolved, That the Messengers be called in, and that this Answer be returned, that this House will consider of the Message.

The Messengers being called in, Mr. Speaker does acquaint them, that the House will consider of the Message.

Resolved, That the Message last received from the House of Lords, is an unparliamentary Message.

Resolved, That a Conference be desired to be had with the Lords, upon the Subject Matter of the last Message received from the House of Lords.

Resolved, That it be referred to Mr. Garraway, &c. to draw up Reasons to be offered at the said Conference.

Then the House being informed that there is a cause upon an Appeal brought up by Sir Nicholas Stoughton, against Mr. Onslow, a Member of this House, appointed to be heard Mr. Onslow, at the Bar of the Lords House;

Resolved, That a Message be sent to the Lords to acquaint them, that this House has received Information, that there is a Cause upon an Appeal brought by Sir Nicholas Stoughton against Mr. Onslow a Member of this House, appointed to be heard at the Bar of the House, on Monday next; and to desire their Lordships to have regard to the Privileges of this House, and that Sir Richard Temple do go up with the Message to the Lords.

Ordered, That Mr. Onslow do not appear any farther in the prosecution of the Appeal brought against him by Sir Nicholas Stoughton, in the House of Lords.

Ordered, That Sir Nicholas Stoughton be sent for in Custody of the Serjeant at Arms attending this House, to answer his Breach of Privilege in prosecuting a Suit in the House of Lords against Arthur Onslow Esq; a Member of this House, during the Session and Privilege of Parliament.

Resolved, That whosoever shall appear at the Bar of the House of Lords, to prosecute any Suit against any Member of this House, shall be deemed a breaker and infringer of the Rights and Privileges of this House.

June, 17 Maij, 1675. Sir Richard Temple reports, that Sir Richard Temple. the Person appointed had attended the Lords, and delivered the Vote of this House, concerning the Appeal brought by Dr. Shirley against Sir John Fagg.

Sir Thomas Lee reports, from the Committee appointed to draw up Reasons for the Conference to be had with the Lords, Sir Thomas Lee's Report from the Committee. Reasons agreed by the Committee; which are as follow, *viz.*

For that the Message is by way of interrogatory upon the Proceedings of the House of Commons in a Case concerning the Privilege of a Member of that House, of which they are proper Judges.

For

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For that the Matter of the Message carries in it an undue Reflection upon the Speaker of the House of Commons.

For that the matter of the Message doth highly reflect upon the whole House of Commons, in their Lordships questioning that House concerning their own Orders; which they have the more Reason to apprehend, because, the Day before this Message was brought to them, the Warrant was owned by the Complaint of the House of Commons to their Lordships, that the same was taken and detained from a Servant of theirs, by a Peer; which imports, that the Question in that Message could not be for Information only, and so tends to interrupt that mutual good Correspondency, which ought to be preserved inviolably between the two Houses of Parliament.

Sir Richard
Temple's Re-
port from the
Lords.

Martis, 18 Maij, 1675. Sir Richard Temple reports from the Lords, that he had attended their Lordships, according to the Command of this House, with the Message in the Case of Mr. Onslow, to which the Lords returned an Answer, which being in writing, was delivered at the Clerks Table, and read; and is as followeth:

'The Lords do declare, That it is the undoubted Right of the Lords in Judicature, to receive and determine in time of Parliament, Appeals from inferior Courts, though a Member of either House be concerned, that there may be no failure of Justice in the Land: And from this Right, and the Exercise thereof, their Lordships will not depart.'

The Matter of the Lords Answer being debated,

Resolved, That it is the undoubted Privilege of this House, that none of their Members be summoned to attend the House of Lords, during the Sitting or Privilege of Parliament.

Resolved, That a Conference be desired with the Lords, upon the Privileges of this House, contained in the Lords Answer to the Message of this House, in the Case of Mr. Onslow.

Sir Henry Ford.

Ordered, That Sir Henry Ford do go up to the Lords, to desire a Conference upon the subject Matter of their Message, concerning the Warrant for apprehending Dr. Shirley.

Sir Thomas
Lee.

Jovis, 20 Maij, 1675. Sir Thomas Lee reports, from the Committee appointed to draw up Reasons to be offered at the Conference to be had with the Lords upon the Privileges of this House, contained in the Lords Answer to the last Message of this House, in the Case of Mr. Onslow; which Reasons were twice read, and, with some alterations at the Clerks Table, (upon the question severally put) agreed to; which are as follow, *viz.*

Reasons to be
offer'd to the
Lords at the
Conference.

I. That, by the Laws and Usage of Parliament, Privilege of Parliament belongs to every Member of the House of Commons,

Commons, in all Cases except Treason, Felony, and breach Anno 27 Car. II. of the Peace; which hath often been declared in Parliament, without any Exception of Appeals before the Lords. 1675.

II. That the Reason of that Privilege is, that the Members of the House of Commons may freely attend the public Affairs of that House, without disturbance or interruption, which doth extend as well to Appeals before the House of Peers, as to Proceedings in other Courts.

III. That, by the constant course and usage of Parliament, no Member of the House of Commons can attend the House of Lords, without the especial Leave of that House first obtained, much less be summoned or compelled so to do.

IV. If the Lords shall proceed to hear and determine any Appeal, where the Party neither can, nor ought to attend, such Proceedings would be contrary to the Rules of Justice.

V. That the not determining of an Appeal against a Member of the House of Commons, is not a Failure of Justice, but only a Suspension of Proceedings in a particular Case, during the Continuance of that Parliament which is but temporary.

VI. That in case it were a Failure of Justice, it is not to be remedied by the House of Lords alone, but it may be by Act of Parliament.

[Here Sir Thomas Littleton reported from the Committee appointed to prepare the farther Address of this House to his Majesty, for the recalling such of his Subjects as are in the French King's service: which the House deferred the farther Consideration of till Wednesday next.]

Then Sir Trevor Williams reports from the Lords, that he had attended, and desired a Conference with the Lords on the Privilege of this House, contained in the Lords Answer to the Message of this House, in the Case of Mr. Onslow: And that the Lords will return an Answer by Messengers of their own. Sir Trevor Williams's Report.

Mr. Powle reports, from the Conference had with the Lords upon the Subject Matter of the former Conference, concerning the Warrant for apprehending Dr. Shirley, That the Lords had returned an Answer to the Reasons of this House, delivered at the former Conference, and are as follow: Mr. Powle's Report.

‘ The Lords have appointed this Conference, upon the Subject Matter of the last Conference, and have commanded us to give these Answers to the Reasons and other Matters then delivered by the House of Commons. The Lords Reasons.

‘ To the first Question, the Lords conceive that the most natural way of being informed, is by way of Question; and seeing a Paper here, which did reflect upon the Privileges of

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the Lords House, their Lordships would not proceed upon it, till they were assured it was owned by the House of Commons: But the Lords had no Occasion at that Time, nor do they now think fit, to enter into the Debate of the House of Commons being, or not being proper Judges in the Case concerning the Privilege of a Member of that House; their Lordships necessary Consideration, upon sight of that Paper, being only, how far the House of Commons ordering (if that Paper were theirs) the Apprehension of Dr. Shirley, for prosecuting his Appeal before the Lords, did entrench upon their Lordships both Privilege and undoubted Right of Judicature, in the Consequence of it, excepting all the Members of both Houses from the Judicature of this the highest Court of the Kingdom; which would cause a Failure of that supreme Justice, not administrable in any other Court, and which their Lordships will never admit.

‘ As to the second Reason, the Lords answer, That they do not apprehend how the Matter of this Message is any reflection upon the Speaker of the House of Commons.

‘ To the third Reason, The Lords cannot imagine how it can be apprehended in the least to reflect upon the House of Commons, for the House of Peers, upon a Paper produced to their Lordships, in form of a Warrant of that House, whereof doubt was made among the Lords, whether any such thing had been ordered by that House, to enquire of the Commons whether such Warrant was ordered there or no? And, without such Liberty used by the Lords, it will be very hard for their Lordships to be rightly informed, so as to preserve a good Correspondence between the two Houses, which their Lordships shall endeavour; or to know when Warrants, in the Name of that House, are true or pretended: And it is so ungrounded an Apprehension, that their Lordships intended any Reflection in asking that Question, and not taking notice in their Message of the Complaint of the House of Commons owning that Warrant, that the Lords had sent their Message concerning that Paper, to the House of Commons, before the Lords had received the said Commons Complaint.

‘ But their Lordships have great Cause to except against the unjust and strained Reflection of that House upon their Lordships, in asserting that the Question in the Lords Message could not be for Information, as we affirm, but tending to interrupt the mutual Correspondence between the two Houses; which we deny, and had not the least Thought of.

‘ The Lords have farther commanded us to say, that they doubt not but the House of Commons, when they have received what we have delivered at this Conference, will be sensible of their Error, in calling our Message strange, unusual,

usual, or unparliamentary. Though we cannot but take notice, that their Answer to our Message, that they would consider it, was the first of that Kind that we can find to have come from that House.

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The Question being put, Whether the House be satisfied with the Reasons delivered by the Lords at the last Conference ? it passed in the Negative. Unsatisfactory.

Resolved, That a free Conference be desired with the Lords upon the Matter delivered at the last Conference; and that the former Managers do attend, and manage the free Conference.

Friday, May 21. The House Resolved, on Wednesday next, to proceed in the farther Consideration of that part of the Message relating to Appeals from inferior Courts. Sir Trevor Williams was ordered to go up to the Lords, to desire a Conference upon the Privileges of this House, contained in their Answer to the Message touching Mr. Onslow's Case, which he accordingly did; and reports, that the Lords will return an Answer thereto by Messengers of their own.

May 27. A Message ordered to be sent to the Lords, reminding them of the former Message; and again to desire a Conference upon the Privileges of this House, in the Case of Mr. Onslow. And ordered the Matter of the Jurisdiction of the Lords, in Cases of Appeal, be taken into Consideration to-morrow Morning.

Veneris, 28 Maij, 1675. Sir Thomas Lee reports, from the Committee to whom it was referr'd, to draw up Reasons to be offered at a Conference to be had with the Lords, upon the Subject Matter of their Answer to the last Message of this House, in the Case of Mr. Onslow, several Reasons agreed by the said Committee: which he read in his Place, and afterwards delivered the same in at the Clerk's Table; where the same, being twice read, were, upon the Question, severally agreed unto, and are as follow, *viz.*

Sir Thomas
Lee's Report
from the Com-
mittee.

' For that the Commons desired a Conference upon their Privileges concerned by the Lords Answer to a Message sent to the Lords the 18th of May, in the Case of Mr. Onslow; their Lordships have not agreed to any Conference in the Case of Mr. Onslow, but have only agreed to a Conference concerning their Privileges in general, without reference to the Case of the said Mr. Onslow; which was the only Subject Matter of the desired Conference.

' The Limitation in the Lords Agreement to a Conference, with Proviso that nothing be offered at the Conference, that may any way concern their Lordships Judicature, is in effect Denial of any Conference at all, upon the Subject on which was desired: Which ought not to be; the Judicature which their Lordships claim in Appeals against a Member

Anno 27 Car. II. of the House of Commons, and the Privilege of that House, being in that Case so involved, that there can be no Conference upon the latter, without some way touching upon the former.

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'That this Manner of agreeing to a Conference with any Limitation or Proviso, is against the Course of Proceedings betwixt the two Houses of Parliament, in coming to Conference; and doth seem to place a Power in the Managers of such Conferences to judge whether such Provisos be broken or not, and accordingly to proceed, or break off the Conference upon their own Judgments.'

Sir Leoline Jenkins's Report.

Luna, 31 Maij, 1675. * Sir Leoline Jenkins reports, that he had attended the Lords with the Message of this House, for a Conference upon the subject Matter of the Lords Answer to the last Message of this House, in the Case of Mr. Onslow; and that the Lords had sent Answer, that they would return Answer by Messengers of their own.

A Message from the Lords.

A Message from the Lords by Sir Mondeford Brampton, and Sir William Beversham.

'Mr Speaker, The Lords have commanded us to acquaint you, that they desire a Conference presently in the Painted-Chamber, with the House of Commons, upon their not coming to the Conference desired by them, on Thursday last, and by the Lords appointed to be at ten of the Clock in the Painted-Chamber, on Friday the 28th of this Instant May.'

The Messengers being withdrawn, and the Message debated, a present Conference upon the Question was agreed.

And the Messengers being called in, Mr. Speaker acquaints them, that the House had agreed to a present Conference.

Ordered, That the former Members, that were appointed to manage the former Conference, in the Case of Mr. Onslow, do attend and manage this Conference.

Sir John Trevor's Report.

Sir John Trevor reports, from the Conference, that the Lords had declared the Intent of this Conference, to the effect following, *viz.* 'That the Lords have appointed this Conference, out of their constant Desire and Resolution they have to continue a fair Correspondence between the two Houses; which is of the Essence of parliamentary Proceedings.'

For this End their Lordships have commanded us to tell you, that they cannot but take Notice of the House of Commons failing to be, on Friday last, at a Conference desired by themselves and appointed by the Lords at ten of the clock in the Painted-Chamber.

That

* Judge of the Admiralty, and afterwards Secretary of State.

That they conceive it tends to an Interruption of all Parliamentary Proceedings, and to evade the Right of the Lords to appoint Time and Place for a Conference.

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Ordered, That it be referred to the former Committee, who are appointed to draw up Reasons, to be offered at a Conference to be had with the Lords upon the subject Matter of their Answer, to the Message of this House, in the Case of Mr Onslow, to consider of the Matter delivered by the Lords at the last Conference; and to prepare and draw up farther Reasons, to be offered at another Conference. And that the Committee do meet this Afternoon at five of the Clock in the Speaker's Chamber. And Mr. Serjeant Maynard, and Mr. Sawyer, are to take notice to attend the same.

Martis 1 Maij, 1675. Sir Thomas Lee reports, from the Committee appointed to inspect the Journals of the House of Lords, and to see what Proceedings have been entred, in the Case of Mr. Dalmahoy, and Mr. Onslow, that they had inspected the Lords Journals as to the Case of Mr. Dalmahoy, and collected what Proceedings had been in that Case; but had no Opportunity or Time yet to do it in the Case of Mr. Onslow: Which Proceedings being reported, were read, and delivered in at the Clerk's-Table; and are as follow, viz. 19 April, 1675. Sir Thomas Lee's Report.

The Appeal brought by Crispe and Crispe, complaining against a Decree in Chancery made, wherein Mr. Dalmahoy is recited to be one of the Petitioners; Cranbourne and Bowyer are ordered to put in an Answer, and Dalmahoy if he please.

Maij 12, 1675. *Ordered*, That this House will hear Counsel at the Bar, upon the Petition and Appeal of Sir Nicholas Crispe, and others, against the Lady Viscountess Cranbourne, the Lady Anne Bowyer, and Thomas Dalmahoy Esq; and their Answer thereunto, depending in this House on Wednesday the 19th of this Instant May, at ten of the Clock in the Forenoon; whereof the Petitioners are to cause timely Notice to be given to the said Defendants, or their Agents in the said Case, for that Purpose.

Maij 19, 1675. Whereas Sir Nicholas Crispe, Bart. having an Appeal depending in this House, against the Lady Cranbourne, Lady Bowyer, and Thomas Dalmahoy Esq; a Member of the House of Commons; hath prayed that Counsel may be assigned him to plead his Cause upon the said Appeal, and hath named Counsel for that Purpose: It is ordered that Sir John Churchill, Serjeant Peck, Serjeant Pemberton, and Mr. Porter, named by the said Sir Nicholas Crispe, be, and are hereby appointed to open, and manage the

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the said Cause, on the Part and Behalf of the said Sir Nicholas Crispe; on Thursday the 27th Day of this Instant May at ten of the Clock in the Forenoon; and at such other Times, as it shall be depending in this House.

Upon reading the Petition of Sir Nicholas Crispe, Bart. Thomas Crispe and John Crispe, Esqs; shewing, that having an Appeal depending in this House against Thomas Dalmahoy Esq; a Member of the House of Commons, and others; they are in danger of being arrested by an Order of the House of Commons; and therefore pray the Protection of this House, that they may have Liberty to prosecute their said Appeal with Freedom:

It is thereupon ordered, that Sir Nicholas Crispe, Bart. John Crispe, and Thomas Crispe, or any of them, their or any of their Counsel, Agents or Solicitors, or such other Person or Persons as they shall employ, in prosecuting the said Appeal before this House, be, and are hereby privileged, and protected accordingly by this House, until the Matter upon the Appeal be determined by their Lordships. And all Persons whatsoever, are hereby prohibited from arresting, imprisoning, or otherwise molesting, the said Sir Nicholas Crispe, John Crispe, and Thomas Crispe, or any of their Counsel, Agents, or Solicitors, upon any Pretence whatsoever, during the Time prefixed, as they or such of them will answer the contrary to this House.

Maij 26, 1675. The Cause between Sir Nicholas Crispe, &c. Plaintiffs, and Thomas Dalmahoy Esq; Defendant, appointed to be heard the 27th, was ordered to be heard the 28th *Maij*.

Maij 27. Upon reading the Petition of Sir Nicholas Crispe, complaining, that the Counsel assigned him by this House, to plead his Cause at the Bar, wherein Mr. Dalmahoy is one of the Defendants, do refuse to plead for him in this Case, in regard of a Vote of the House of Commons; Sir Nicholas Crispe was called in, and testified, that he shewed the Order of this House to Serjeant Peck, Serjeant Pemberton, Sir John Churchill, and Mr. Porter.

Whereupon it is Ordered, That, whereas, Sir John Churchill, Serjeant Peck, Serjeant Pemberton, and Mr. Porter, were, by Order of this House, dated on the 19th Instant, assigned to be of Counsel for Sir Nicholas Crispe, John Crispe, and Thomas Crispe, in their Cause depending in this House, against Thomas Dalmahoy Esq; a Member of the House of Commons, and other Defendants, at such time as the said Cause shall be appointed to be pleaded at the Bar of this House; and having appointed to hear the said Cause, by Counsel on both sides, to-morrow at three of the Clock in the Afternoon;

It is this day Ordered, that the said Sir John Churchill, Serjeant Peck, Serjeant Pemberton, and Mr. Porter, be, and are hereby required, to appear at the Bar of this House, to-morrow, at three of the Clock in the Afternoon, as Counsel to plead in the said Cause, on the Behalf of the said Sir Nicholas Crispe, John Crispe, and Thomas Crispe, as they will answer the contrary to this House.

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Maj 28, 1675. Council heard at the Bar on both Parts, upon the Petition and Appeal of Sir Nicholas Crispe, &c. and the Answer of Diana Viscountess Cranbourne, &c. and Thomas Dalmahoy Esq; put in thereunto concerning a Decree in Chancery: *Resolved*, the Petition and Decree be dismissed.

Maj 28. This day the House heard the Counsel of Sir Nicholas Crispe, John Crispe, and Thomas Crispe, upon their Petition and Appeal depending in this House; and also the Counsel of the Lady Bowyer, and Mr. Dalmahoy, upon their Answer thereunto; and, after a serious Consideration thereof, the Question being put, whether this Petition and Appeal shall be dismissed this House?

It was resolved in the Affirmative.

Mr. Serjeant Pemberton, Sir John Churchill, Mr. Serjeant Peck, and Mr. Porter, attending at the Door, in obedience to the Order of the House of Commons; and, being severally called in, Mr. Speaker did severally acquaint them, that they were summoned to give an Account to the House, of their appearing as Council at the Bar of the House of Lords, in the Prosecution of a Cause depending upon an Appeal, wherein Mr. Dalmahoy, a Member of this House, is concerned, in the manifest Breach of the Order of this House; and giving up, as much as in them lies, the Rights and Privileges of the Commons of England: And they having answered and made their Excuses to the effect following; That they had no notice of the Order or Vote of this House, but what they had heard in common Discourse abroad; and because they conceived Mr. Dalmahoy, a Member of this House, might be concerned, they refused several times to appear as Council, or to accept their Fees; but being assigned of Council for Sir Nicholas Crispe, and an Order of the House of Lords being served on them to attend at their Peril, and that then attending, and Mr. Dalmahoy having put in his Answer in the Lords House, and not insisting on his Privilege afterwards, and the Council for Lady Bowyer, who was the principal Party concerned, denying to be of Council for Mr. Dalmahoy, they conceived they might safely appear as Council without breach of the Order, or invading the Rights and Privileges of this House, which was not intended by them; and

Proceedings against several Barristers for pleading before the Lords in Breach of an Order of the Commons.

Their Defence.

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and Sir John Churchill, by way of farther Excuse for himself, said, that he had Witnesses ready to prove that Mr. Dalmahoy was willing and desirous to have the Business go forward. And the said Mr. Serjeant Pemberton, Sir John Churchill, Mr. Serjeant Peck, and Mr. Porter, did all of them humbly submit themselves to the Pleasure of the House, if they had in any thing misbehaved themselves; and being withdrawn, and the Matter debated, the Question being put, That Serjeant Pemberton be taken into Custody of the Serjeant at Arms attending this House?

It was resolved in the Affirmative.

They are ordered into Custody.

Ordered, That Serjeant Pemberton, Sir John Churchill, Mr. Serjeant Peck, and Charles Porter Esq; be taken into Custody of the Serjeant at Arms attending this House.

Other Reasons to be offered to the Lords.

Mercurij, 2 die Junij. Ordered, That Sir Richard Temple, Mr. Vaughan, and Sir Thomas Lee do withdraw, and attend the Reasons upon the Debates of the House: Which was done; and the Reasons agreed to are as follow.

‘ The House of Commons do agree with the Lords, that Conferences between the two Houses of Parliament, are essential to parliamentary Proceedings, when they are agreed in the usual and parliamentary Way; but the Manner of the Lords Agreement to the Conference, to have been on Friday the 28th of May last, at ten of the Clock, in the Painted-Chamber, with Limitation and Proviso, did necessitate the House of Commons to forbear to meet at that Conference, and gave the first Interruption to parliamentary Proceedings, in Conferences between the two Houses.

‘ For that the Conference desired by the Commons, was upon their Privileges, concerned in the Answer of the Lords to a Message of the House of Commons, sent to the Lords the 17th of May, in the Case of Mr. Onslow; to the which the Lords did not agree, but did only agree to a Conference concerning their Privileges in general, without Reference to the Case of the said Mr. Onslow; which was the only subject Matter of the desired Conference.

‘ The Limitation in the Lords Agreement to a Conference, with Proviso that nothing be offered at the Conference that may any ways concern the Lords Judicature, is in effect a Denial of any Conference at all, upon the Subject upon which it was desired; which ought not to be.

‘ The Judicature which the Lords claim in Appeals, against a Member of the House of Commons, and the Privilege of that House in that Case, is so involved, that no Conference can be upon the Matter, without some way touching the former.

‘ That this manner of agreeing to a Conference, with any Limitation or Proviso, is against the Course of Proceedings

ings between the two Houses of Parliament, in coming to Conferences; and doth seem to place a Power in the Managers of such Conferences, to judge whether such Provisos be broken or not, and accordingly to proceed or break off the Conference upon their own Judgments.

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'The House of Commons doubt not, but that, when the Lords have considered of what is delivered at this Conference, the good Correspondence which the Lords express they desire to continue between the two Houses (which the Commons are also no less careful to maintain) will induce them to remove the present Interruption of coming to Conferences; and therefore to agree to the Conference, as it was desired by the House of Commons, upon the Privileges of their House, concerned in the Lords Answer to the Message of the House of Commons, in the Case of Mr. Onslow: That the particular Limitation, that nothing be offered at the Conference, that may any way concern the Judicature of the Lords, appears unreasonable; for that their Lordships Judicature in Parliament is circumscribed by the Laws of the Land, as to their Proceedings and Judgments; and is, as well as all other Courts, subjected to Parliament.'

Jouis, 3 die Junij, 1675. Mr. Vaughan reports, That Mr. Vaughan. the Lord Privy-Seal did manage the Conference, and had delivered the Intent and Occasion of the Conference; which Mr. Vaughan did report to the House, to the Effect following, *viz.*

'The Lords do take notice of the House of Commons The Lords Re-
their ordering into Custody of their Serjeant, Mr. Serjeant plice.
Peck, Sir John Churchill, Mr. Serjeant Pemberton, and Mr. Serjeant Porter, Counsellors at Law; assigned by their Lordships to be of counsel in an Appeal heard at their Lordships Bar, in the Case of Sir Nicholas Crispe, against the Lady Bowyer, Mr. Dalmahoy, and others; the Lords in Parliament, where his Majesty is highest in his royal Estate, and where the last Resort of judging upon Writs of Error, and Appeals in Equity, in all Causes and over all Persons, is undoubtedly fixed, and permanently lodged.'

'It is an unexampled Usurpation and Breach of Privilege against the House of Peers, that their Orders or Judgments should be disputed, or endeavoured to be controlled, or the Execution thereof obstructed by the lower House of Parliament; who are no Court, nor have authority to administer an Oath, or give any Judgment.'

'It is a transcendent Invasion on the Right and Liberty of the Subject, and against *Magna Charta*, the Petition of Right, and many other Laws, which have provided, that no Freeman shall be imprisoned or otherwise restrained of his Liberty, but by due Process of Law.'

TOMES I.

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' This

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' This tends to the Subversion of the Government of the Kingdom, and to the introducing of Arbitrariness and Disorder.'

' Because it is the nature of an Injunction from the lower House, (who have no Authority or Power of Judicature over inferior Subjects, much less over the King and Lords) against the Orders and Judgments of the supreme Court.'

' We are farther commanded to acquaint you, that the Lords have, therefore, out of that Justice which they are Dispensers of against Oppression and Breach of Laws, by Judgment of this Court, set at liberty, by the Gentleman-Usher of the Black Rod, all the said Serjeants and Counselors; and prohibited the Lieutenant of the Tower, and all other Keepers of Prisons and Goalers, and all Persons whatsoever, from arresting and imprisoning, detaining, or otherwise molesting, or charging the said Gentlemen, or any of them in this Case: And if any Person, of what Degree soever, shall presume to the contrary, their Lordships will exercise the Authority with them entrusted for putting the Laws in execution.'

' And we are farther commanded to read to you a Roll of Parliament in the first Year of the Reign of King Henry the IVth, whereof we have brought the Original with us.'

And a Debate arising thereupon;

Another Conference desired.

Resolved, That a Conference be desired with the Lords upon the Subject Matter of the last Conference; and that these Members following, be appointed to prepare and draw up Reasons upon the Debates of the House, to be offered at the Conference.

Ordered, That the Officer, in whose Custody is the Record of the first of Henry the IVth, mentioned at the Conference with the Lords, do attend the Committee appointed to draw up Reasons for another Conference this Afternoon; And they are to meet at Three of the Clock, in the Speaker's Chamber, and to send for Persons, Papers and Records.

Ordered, That no Member of this House do attend the Lords House, upon any Summons from the Lords without Leave of the House.

The Thanks of the House given to the Speaker for causing Serjeant Pemberton to be seized in Westminster-hall.

Veneris, 4 Junij, 1675. *Ordered*, That the Thanks of the House be returned to Mr. Speaker, for causing Mr. Serjeant Pemberton, formerly committed by order of this House to the Custody of the Serjeant at Arms attending this House, for Breach of Privilege, to be seized and taken into Custody in Westminster-hall, for his Breach of Privilege.

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The House being informed, that Sir John Churchill, Mr. Serjeant Peck, and Mr. Charles Porter, who were ordered to be taken into Custody of the Serjeant at Arms attending this House, are now in Westminster-hall; Anno 27 Car. II.
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Ordered, That the Serjeant at Arms now attending this House, do go with his Mace into Westminster-hall, and do execute the Order of this House and the Warrant of Mr. Speaker thereupon, for seizing and bringing in Custody Mr. Serjeant Peck, Sir John Churchill and Mr. Charles Porter, for their Breach of the Privilege of this House.

The Serjeant returning, gave an Account, that he had executed the Order of this House and Mr. Speaker's Warrant thereupon, and had brought the said Mr. Serjeant Peck, Sir John Churchill and Mr. Charles Porter, in Custody, into the Speaker's Chamber. The three other
Barriers seiz'd
in the same
Place.

The Question being put, that Sir John Churchill, Mr. Serjeant Peck, Mr. Serjeant Pemberton, and Mr. Charles Porter be sent to the Tower, for their Breach of Privilege and Contempt of the Authority of this House?

It was resolved in the Affirmative.

Ordered, That Mr Speaker do issue his Warrant to the Lieutenant of the Tower to receive them into his Custody. And together
with Pemberton
sent to the
Tower.

Ordered, That John Popham Esq; the now Serjeant at Arms attending this House, be protected against all Persons that shall any ways molest or hinder him from executing his Office.

Sir Thomas Lee reports from the Committee, the Reasons agreed to be offered at the Conference to be had with the Lords, upon the Matters delivered at the last Conference, which were twice read, and, with some Amendments made at the Table, severally agreed; and are as follows, viz. Sir Thomas
Lee's Reports

'Your Lordships having desired the last Conference, upon Matters of high Importance, concerning the Dignity of the King, and the Safety of the Government, the Commons did not expect to hear from your Lordships at that Conference, Things so contrary to, and inconsistent with, the Matter upon which the said Conference was desired, as were then delivered by your Lordships.' Other Reasons
to be offer'd the
Lords.

'It was much below the Expectation of the Commons, that, after a Representation of your Lordships Message, of Matters of so high Importance, the Particular upon which the Conference was grounded, should be only the Commitment of four Lawyers to the Custody of their own Serjeant at Arms, for a manifest Violation of the Privileges of their House.'

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‘ But the Commons were much more surprized, when your Lordships had introduc’d the Conference with an Assurance, that it was in order to a good Correspondency between the two Houses, that your Lordships should immediately assume a Power to judge the Orders of the House of Commons for Imprisonment of Mr. Serjeant Pemberton, Mr. Serjeant Peck, Sir John Churchill, and Mr. Charles Porter, to be illegal and arbitrary: and the Execution thereof a great Indignity to the King’s Majesty; with many other high Reflections upon the House of Commons, throughout the whole Conference: whereby your Lordships have condemned the whole House of Commons as criminal, which is without precedent or example, or any ground or reason so to do.’

‘ It is not against the King’s Dignity for the House of Commons to punish by Imprisonment, a Commoner that is guilty of violating their Privileges, that being according to the known Laws and Customs of Parliament, and the Right of their Privileges declared by the King’s royal Predecessors in former Parliaments, and by himself in this.’

‘ But your Lordships claiming to be the supreme Court, and that his Majesty is highest in his royal Estate in the Court of Judicature there, is a diminution of the Dignity of the King, who is highest in his royal Estate in full Parliament; and is derogatory to the Authority of the whole Parliament, by appropriating it to yourselves.

‘ The Commons did not by this Imprisonment infringe any Privileges of the House of Peers, but only defend and maintain their own: On the other side, your Lordships do highly intrench upon the Rights and Privileges of the House of Commons, by denying them to be a Court or to have any Authority or Power of Judicature; which, if admitted, will leave them without any Power or Authority to preserve themselves.’

‘ As to what your Lordships call a transcendent Invasion of the Rights and Liberties of the Subject, and against *Magna Charta*, the Petition of Right, and many other Laws; the House of Commons presume that your Lordships know, that neither the Great Charter, Petition of Right, or any other Laws, do take away the Law and Custom of Parliament, or of either House of Parliament, or else your Lordships have very much forgotten the Great Charter, and those other Laws, in the several Judgments your Lordships have passed upon the King’s Subjects in Cases of Privilege. But the Commons cannot find by *Magna Charta*, or by any Law or ancient Custom of Parliament, that your Lordships have any Jurisdiction in Cases of Appeal from the Courts of Equity.

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' We are farther commanded to acquaint you, that the Enlargment of those Persons in Prison by order of the House of Commons, by the Gentleman-Usher of the Black Rod, and the Prohibition which threatens all Officers and other Persons whatsoever, not to receive or detain them; is an apparent Breach of the Rights and Privileges of the House of Commons: And they have, therefore, caused them to be retaken into the Custody of the Serjeant at Arms attending this House, and have committed them to the Tower.

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' As for the Parliament-Roll of the 1st of King Henry the IVth, caused to be read by your Lordships at the last Conference, but not applied; the Commons apprehend it doth not concern the Case in question: For that this Record was made upon occasion of Judgments given by the Lords, to depose and imprison their lawful King; to which the Commons were not willing to be made Parties. And therefore the Commons conceive it will not be for the Honour of your Lordships to make farther use of that Record.

' But we are commanded to read your Lordships the Parliament-Roll of 4 Edw. III. N. 6. which if your Lordships please to consider, they doubt not but your Lordships will find occasion to apply it to the present Purpose.

Ordered, The Thanks of the House be given to the Speaker, for his Care in issuing the Warrant for retaking the Persons committed yesterday into Custody.

The Speaker
thank'd a second Time.

The Serjeant at Arms was then ordered to be sent to the Tower; and the other Serjeant at Arms attending, was ordered to apprehend him for betraying his Trust, in not executing his Office, in bringing the Persons committed Yesterday to his Custody, to the Bar of the House.

An Address ordered to be prepared, to be presented to his Majesty, to desire a new Serjeant at Arms to attend the House.

Saturday, June 5, 1675. Mr. Secretary Coventry acquainted the House, that it was his Majesty's desire, that the House would adjourn till four of the Clock in the Afternoon, and that both Houses should at that Time attend him in the Banqueting-House at Whitehall.

Mr. Secretary
Coventry, in his
Majesty's
Name, desires
an Adjourn-
ment.

A Debate arising touching the Removal of John Popham Esq; Serjeant at Arms in Ordinary, attending the House yesterday, the farther Debate thereof was adjourned till Five o'clock in the Afternoon, and then the House adjourned till Four in the Afternoon.

In the Afternoon, the House then met at the Time they adjourned to, and went in a Body to his Majesty at Whitehall; and the House of Lords being also present, his Majesty made the following Speech.

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The King's
Speech.

My Lords and Gentlemen,

YOU may remember, that, at the meeting of this Session, I told you no endeavour would be wanting to make the continuance of this Parliament unpracticable. I am sorry that Experience hath so quickly shewed you the Truth of what I then said; but I hope you are well convinced, that the Intent of all these Contrivances is only to procure a Dissolution. I confess, I look upon it as a most malicious Design of those who are Enemies to me and the Church of England; and, were the Contrivers known, I should not doubt but the Dislike of their Practices would alone be a means of bringing the Houses to a good Understanding; but, since I cannot prescribe any way how to arrive to the Discovery of it, I must tell you plainly my Opinion, that the Means to come to any Composition between yourselves, cannot be without admitting of such free Conferences, as may convince one another by the Reasons then offered; or enable me to judge rightly of the Differences, when all hath been said on both sides which the Matter will afford: For I am not to suffer these Differences to grow to Disorders in the whole Kingdom, if I can prevent it; and I am sure my Judgment shall always be impartial between my two Houses of Parliament. But I must let you know, that whilst, you are in debate about your Privileges, I will not suffer my own to be invaded. I have nothing more to say to you at this Time, but to desire, as I did when we met first, that you would yet consider, and not suffer ill Men's Designs to hinder the Sessions from a happy Conclusion.

The House of Lords presented an Address to his Majesty, to remove the Lieutenant of the Tower; whereupon the Lord Treasurer reported his Majesty's Answer, viz. 'That his Majesty hath considered the Circumstances of the Matter, and is not satisfied how with justice he can remove him.'

The House then took into consideration his Majesty's Speech, and resolved, *nemine contradicente*, That the humble Thanks of this House be returned to his Majesty, for the gracious Expressions in his Speech this Day made to both Houses of Parliament; and such Members of this House as are of his Majesty's Privy Council are desired to present the humble Thanks of this House to his Majesty.

Resolved, That it doth not appear to this House, that any Member thereof hath either contrived or promoted the Difference between the two Houses of Parliament; or, in asserting the Rights of the Commons of England, and the Privileges of this House, hath done any thing inconsistent with

his

The humble
Thanks of the
House given to
his Majesty.

his Duty, or the Trust reposed in him. And then adjourn-
ed to Monday, June 7.

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On Monday, June 7. The House resolved, that what Serjeant Popham did in retaking the four Lawyers into his Custody, and conducting them to the Tower of London, was in pursuance of his Duty, and by the Order of the House; and the farther Debate concerning the said Serjeant at Arms was adjourned till Wednesday Morning.

A Copy of an Order from the House of Lords for the hearing Counsel in the Case of Sir John Fagg, a Member of this House, to-morrow Morning, was then read and debated: And resolved, that as to the Case of Appeal brought against Sir John Fagg in the House of Lords, he shall have the Protection and Assistance of this House.

Resolved, nemine contradicente, That if any Person or Persons shall be aiding or assisting in putting in execution any Sentence or Judgment that shall be given by the House of Lords, upon the Appeal brought by Dr. Shirley against Sir John Fagg, a Member of this House, such Person or Persons shall be adjudged and taken to be Traytors of the Rights and Liberties of the Commons of England, and the Privileges of this House, and shall be proceeded against accordingly.

Ordered, That these Votes be made public, by setting them up in Westminster-hall, and in the Lobby of this House, and the Clerk of the House to take care to see it done.

In the Afternoon, the House proceeded in the farther Consideration of effectual Means for the Preservation of their Rights and Privileges, and resolved, *nem. con.* That no Person, committed by Order or Warrant of this House, for Breach of the Privileges or Contempt of the Authority of the House, ought to be discharged during this Session of Parliament, without the Order or Warrant of this House.

Resolved, nem. con. That the Lieutenant of the Tower of London, in receiving and detaining in Custody Sir John Churchill, Serjeant Peck, Serjeant Pemberton, and Mr. Porter, hath performed his Duty according to Law; and for his so doing he shall have the Assistance and Protection of this House.

Resolved, That the Lieutenant of the Tower, in Case he hath, or shall receive any Writ, Warrant, Order, or Command, to remove or deliver any Person or Persons committed to his Charge, for Breach of the Privileges, or Contempt of the Authority of the House of Commons, by Order or Warrant of the House, shall not make any Return thereof, or yield any Obedience thereto, before he hath
first

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first acquainted the House therewith, and received their Order and Direction how to proceed therein.

Ordered, That these Resolutions be immediately sent to the Lieutenant of the Tower, and then the House adjourned.

Tuesday, June the 8th, 1675. A Message sent to the Lords to remind them of the last Conference; upon the subject Matter delivered by the Lords at the last Conference.

Sir John Robinson, Lieutenant of the Tower, desires the Advice of the House in relation to his Prisoners.

Sir John Robinson informing the House, that he had received the four Lawyers committed to his Custody by this House, and denied to deliver them to the Gentleman-Usher of the Black-Rod; and that he was served last Night with four Writs of *Habeas Corpus*, to bring the said four Lawyers before the King and his Parliament at Westminster this Morning, and craved the Advice of the House what to do therein:

Receives the Thanks of the House.

Ordered, The Thanks of the House to be given to the said Sir John Robinson for his Behaviour therein, and and Mr Speaker intimated to him, that he should forbear to return the said Writs of *Habeas Corpus*, which were read and debated; and the farther Debate thereof was adjourned till to-morrow morning, and a Committee appointed to search the Lords Journals, to see what hath been done in the Case of the four Lawyers, the Writs of *Habeas Corpus*, and Mr. Serjeant Popham, and to search for Precedents on the Writs of *Habeas Corpus*; and adjourned.

Sir Thomas Clarges's Report.

Mercurij, 9 die Junii. Sir Thomas Clarges reports, from the Committee to whom it was referred to search for Precedents touching Writs of *Habeas Corpus*, returnable in Parliament; That the Committee had found several Precedents of Writs of *Habeas Corpus* returnable in Parliament, and had considered of them: And that the Committee thereupon had agreed upon four Resolves to be presented to the House, which he read in his Place, and afterwards delivered the same in at the Clerk's Table, where they being twice read, were upon the Question severally agreed to, and are as follow:

Resolved, Nem. con. 1. That no Commoners of England committed by the Order or Warrant of the House of Commons, for Breach of Privilege or Contempt of the Authority of the said House, ought, without Order of the House, to be, by any Writ of *Habeas Corpus*, or any other Authority whatsoever, made to appear and answer, or receive any Determination in the House of Peers, during that Session of Parliament wherein such Persons were so committed.

Resolved, Nem. con. 2. That the Order of the House of Peers, for the Issuing out the Writs of *Habeas Corpus* concerning Mr. Serjeant Pemberton, Mr. Serjeant Peck, Sir John

John Churchill, and Mr. Charles Porter, is insufficient and illegal; for that it is general, and expresses no particular Cause of Privilege, and commands the King's Great Seal to be put to Writs not returnable before the said House of Peers.

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Resolved, Nem. con. 3. That the Lord-Keeper be acquainted with these Resolutions, to the end that the said Writs of *Habeas Corpus* be superseded, as contrary to Law and the Privileges of this House.

Resolved, Nem. con. 4. That a Message be sent to the Lords, to acquaint their Lordships, that Mr. Serjeant Peck, Sir John Churchill, Mr. Serjeant Pemberton, and Mr. Charles Porter, were committed by Order and Warrant of this House, for manifest Breach of Privilege, and Contempt of the Authority of this House.

Ordered, That Col. Birch do go up to the Lords with a Message, that a Conference is desired upon the subject Matter of the last Conference.

A Message was this Day sent from his Majesty in the House of Lords, by Sir Edward Carteret, Usher of the Black-Rod, commanding this honourable House to attend his Majesty forthwith in the House of Peers; and accordingly Mr. Speaker went up with the House, where his Majesty was pleased to make the following Speech to them.

The House
commanded
to attend his
Majesty in the
House of Peers.

My Lords and Gentlemen,

I Think I have given sufficient Evidence to the World, that I have not been wanting on my part, in my Endeavours to procure the full Satisfaction of all my Subjects, in the Matters both of Religion and Property: I have not only invited you to those Considerations at our first Meeting, but I have been careful through this whole Session, that no Concern of my own should divert you from them.

The King's
Speech.

Besides, as I had only designed the Matter of it to be the procuring of good Laws, so for the gaining of them, I have already waited much longer than I intended; and should have been contented still to have continued my Expectation, had there any Hopes remained of a good Conclusion. But I must confess, the ill Designs of our Enemies have been too prevalent against those good ones. I had proposed to myself, in behalf of my People; and those unhappy Differences between my two Houses are grown to such a Height, that I find no possible Means of putting an end to them but by a Prorogation. It is with great Unwillingness that I make use of this Expedient, having always intended an Adjournment, for the Preservation of such Bills as were unfinished. But my Hopes are, that, by this means, the present Occasion of Dis-

ferences

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References being taken away, you will be so careful hereafter of the Public as not to seek new ones, nor to revive the old.

‘ I intend to meet you here again in Winter, and have directed my Lord-Keeper to prorogue you till the thirtieth Day of October next.’

The fifteenth
Session of the
Second Parlia-
ment.

October 13. Both Houses met, according to Prorogation, after a Recess or Interval of a little above four Months. And the King open'd the Session with the following Speech to both Houses:

‘ My Lords and Gentlemen,

The King's
Speech to both
Houses.

‘ I Meet you now with more than usual Concern for the Event of this Session; and I know it is but what may reasonably be expected from that Care I owe to the Preservation of the Government. The Causes of the last Prorogation, as I, for my part, do not desire to remember, so I hope no Man else will, unless it be to learn from thence, how to avoid the like Occasions for the future: And I pray consider how fatal the Consequence may be, and how little Benefit is like to redound to the People by it. However, if any Thing of that Kind shall arise, I desire you wou'd defer those Debates, till you have brought such public Bills to perfection as may conduce to the Good and Safety of the Kingdom; and particularly I recommend to you, whatever may tend to the Security of the Protestant Religion, as it is now establish'd in the Church of England.

‘ I must likewise desire your Assistance in some Supplies, as well to take off the Anticipations which are upon my Revenue, as for Building of Ships; and tho' the War has been the great Cause of these Anticipations, yet I find, by a late Account I have taken of my Expences, that I have not been altogether so good a Husband, as I might have been, and as I resolve to be for the future: Although, at the same time, I have had the Satisfaction to find, That I have been far from such an Extravagancy in my own Expence, as some wou'd have the World believe. I am not ignorant, that there are many who wou'd prevent the Kindness of my Parliament to me at this Time; but I as well know that your Affections have never fail'd me: And you may remember, it is now above three Years since I have ask'd you any thing for my own Use. The rest I refer to my Lord Keeper.

The Lord
Keeper Finch's
Speech.

Who said, ‘ My Lords, and you the Knights, Citizens, and Burgesses of the House of Commons, The Causes of this present Assembly, and the Reasons which have mov'd his Majesty

Majesty to command your Attendance upon him at this Time, are of the highest Importance. The King resolves to enter into Terms of the strictest Correspondence and Endearment with his Parliament; To take your Counsel in his most weighty Affairs; To impart all his Cares to you; To acquaint you with all his Wants and Necessities; To offer you all that can be yet wanting to make you enjoy yourselves; To establish a right Understanding between Himself and his Three Estates, and between the Estates themselves; to redress all your just Complaints, and to put all his Subjects at Ease, as far as in him lies, and can consist with the Honour and Safety of the Government. And, having made all these Advances, he doubts not but you will behave yourselves like those that deserve to be call'd the King's Friends, and that you will put him at ease too. There is no Cause why any Fears of Religion or Liberty shou'd divert you: For his Majesty hath so often recommended to you the Considerations of Religion, so very often desired you to assist him in his Care and Protection of it; That the Defender of the Faith is become the Advocate of it too, and hath left all those without Excuse who still remain under any kind of Doubts or Fears. Again, the Care of your Civil Rights and Liberties hath been so much his Majesty's, that the more you reflect upon these Concerns, the more you will find yourselves obliged to acknowledge his Majesty's Tenderness of you, and Indulgence to you. Search your own Annals, the Annals of those Times you account most Happy, you will scarce find one Year without an Example of something more severe, and more extraordinary, than a whole Reign hath yet produc'd. Peruse the Histories of foreign Nations, and you shall find, Statues and Altars too have been erected to the Memories of those Princes, whose best Virtues never arriv'd to half that Moderation, which we live to see and enjoy. No King did ever meet a Parliament with juster Cause of Confidence in their Affections: And therefore his Majesty will not suffer himself to doubt, but relies firmly upon it; that you never will forsake him, when he is under any kind of Difficulties. He doth assure himself that you will now think fit to provide for his Honour and your own Safety, by helping him to pay some part of his Debts, and to make his Navy as Great and as Considerable, as it ought to be. For the Greatness of the King, is the Greatness and Safety of his People. The Springs and Rivers which pay Tribute to the Ocean, do not lessen, but preserve themselves by that Contribution. It is impossible that those Affections that Piety and Allegiance first planted, which Persecution cou'd not abate, which the gracious Influences of his Majesty's happy Government have hitherto encreas'd, shou'd now appear to wither

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and decay: But then the best Indication of the Heart is by the Hand. And because it is of infinite Moment to the King's Affairs that there should be a chearful Concurrence to his Supplies, there let Hand and Heart both join in the Oblation, for that will make it a Sacrifice well pleasing indeed.

My Lords and Gentlemen, The Happiness of this present Age, and the Fate and Fortune of the next too, is very much in your Hands, and at this Time; All that you would desire to settle and improve; All that you wou'd wish to secure and transmit to your Posterities, may now be accomplish'd. Wou'd you raise the due Estimation and Reverence of the Church of England to its just Height? Wou'd you provide for the Safety and Establishment of it? Do there want any Laws to secure the Peace and Quiet of the State? Wou'd you enrich and adorn this Kingdom, by providing for the Extent and Improvement of Trade, by introducing new and useful Manufactures, and by Encouraging those we have already? Wou'd you prevent all Frauds and Perjuries, all Delays and Abuses in the Administration of Justice? Wou'd you preserve a famous City from being depopulated by the Suburbs? Wou'd you restrain the Excess of those new Buildings which begin to swarm with Inhabitants unknown? All your Petitions of this kind will be grateful to the King; and you may with Ease effect all these and much more which your great Wifdoms will suggest to you. A little Time will serve to make many excellent Laws, and to give you the Honour to be the Repairers of all our Breaches; so as that Time be wholly employ'd upon the Public, and not taken up by such Considerations as are less meritorious. If therefore there be any, without Doors, that labour to disunite your Counsels, or to render them ineffectual; If they can hope that the Occasions for this may arise from some Differences within yourselves, or hope by those Differences to disguise their own Disaffections to your good Proceedings; 'tis in your power to defeat those Hopes, to pull off this Disguise, and to secure a happy Conclusion of this Meeting, by studying to preserve a good Correspondence, and by a careful avoiding all such Questions as are apt to engender Strife. And if ever there were a Time, when the Gravity of the Council, the Wisdom, and good Temper of a Parliament, were necessary to support that Government which only can support these Assemblies, certainly this is the Hour. You see with what Zeal the King hath recommended to you a good Agreement between yourselves, and that he doth it with all the Care and Compassion, all the Earnestness and Importunity, fit for so great a Prince to express, who wou'd be very sorry that any such Misfortune as your Disagreement,

ment, shou'd either deprive him of your Advice and Assistance, or his People of those good Laws which he is ready to grant you. There is no other Way our Enemies can think of, by which 'tis possible for this Session to miscarry; for Fears and Jealousies cannot enter here, Calumnies and Slanders will find no place amongst wise and good Men. They that use these Arts abroad, will quickly be discredited, when the World shall see the generous Effects of your Confidence. Men will despair of attempting any Disturbance in the State, when they see every Step that tends that Way, serves only to give you fresh Occasions to testify your Loyalty and your Zeal. You have all the Reason in the World to make Men see this; for you have the same Monarchy to assert, the same Church to defend, the same Interests of Nobility and Gentry to maintain, the same excellent King to contend for, and the same Enemies to contend against.

' And now, my Lords and Gentlemen, since the whole Session of Parliament is, in the Judgment and Construction of our Law, but as one Day, let us all endeavour that the Morning of it, the first Entrance upon it, may be with such fair and auspicious Circumstances as may give the whole Kingdom an Assurance of a bright and chearful Day. Let no ill Humours gather into Clouds to darken or obscure it; for this Day is a Critical Day, and more depends upon that Judgment of our Affairs which will be made by it, than can easily be imagin'd. It imports us therefore to take care that no Part of this Time be lost; let every precious Minute of this Day be spent in receiving such Acts of Grace and Goodness as are ready to flow from the King, and in making such Retributions for them as may become the grateful Hearts of the best of Subjects to the best of Kings. So shall this Day become a Day of Disappointment and Discomfort to our Enemies, but to us and all good Men a Glorious Day, a Day of Triumph and Deliverance, a Memorable and Joyful Day to this present, and to all future Generations.'

' Business began in the House of Commons with reassuming such public Bills as they had set on foot in the last Session, and others that prov'd to the more immediate Liberty of the Subject; as the Bill for Habeas Corpus; that against sending Men Prisoners beyond Sea; another against raising Money without Consent of Parliament; a fourth against Papists sitting in either House; another for speedier Convicting of Papists; another for recalling the King's Subjects out of the French Service, &c. But a private Quarrel happening between the Lord Cavendish, Sir Thomas Meers, and Colonel Thomas Howard in St. James's Park, in which they thought the Honour of the House concern'd, they first sent the Lord Cavendish, one of their Members, and afterwards Colonel Howard,

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The Proceedings of the House.

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Howard, to the Tower: And then ordered a Bill to be brought in, to prevent Challenges, Duels and Quarrells, and the Mischiefs that may thereby ensue.

The Accounts
of the Nation
Rated.

Arguments
thereon.

After a Week's Sitting, the Commons began to think of a Supply, and took into Consideration all the Charges and Expences of the late War. The Account of which stands thus in the Journals of the House of Commons. The Charges of the two Years War amounted to two Millions and forty thousand Pounds; and what was given by the Parliament, what arose from the Customs that ought to have been appropriated, and what was gain'd by the Prizes, and the Dutch Contributions at last, did all together amount to three Millions and forty thousand Pounds; so there remain'd a full Million misapply'd or wasted by ill Management. In consequence of which they add; 'That, at the Beginning of this War, by the illegal stopping of the Exchequer, the rest of the Revenue, as well as the Customs before mention'd, were discharg'd of all Incumbrances, and became a clear Revenue to the Crown, and was more than enough to satisfy all other reasonable Expences of the Crown and Government ever since, and so there is no Reason to give a Tax whilst we continue in a Peace. But if it be objected, That since the said Million of Money is gone, and this overgrown Revenue is all spent, and even now goes on to be further charg'd in these two Years of Peace, than it was left charg'd after the said two Years of War; and tho' it is own'd Things are much amis, and the management very ill, wishing it might be amended, yet the Parliament must look forwards, the Government must be supported, the Councils must not be made desperate, and therefore the King must be supply'd: The Answer is, That this Kind of Reasoning and Timorousness hath brought on us all the Taxes and Mischiefs we have suffer'd these Nine Years past; and yet nothing is amended; and they still go on, till they are made desperate, which the Parliament ought to prevent. There is no Fear of Breaking the Bankers the Second Time, and paying Debts by that dishonourable Way; it is easy to demonstrate how the last contracted Debt may be in a few Years discharg'd by the Revenue, and his Majesty's necessary Expences sufficiently supply'd by honest and careful Management. No Parliament is oblig'd to pay the King's Debts by a Tax: By the like Reasoning we ought to pay such another about a Year and a half hence, and so encourage the Court to exact two Millions and a half yearly, as hitherto they have done; to the great Disquiet and Impoverishment of the Nation; and if (unlook'd for) they shou'd prove good Husbards or frugal, then to the imminent Hazard and Loss of Parliaments, and the ancient Liberties of the Subject, as now in France. Since the War

is ended, the whole Charge of the Government both by Sea and Land amounts not to above seven hundred thousand Pounds *per Annum*; and the clear Income of the Revenue at present comes at least to sixteen hundred thousand Pounds *per Annum*; *Quere*, What is become of near a Million *per Annum*? And yet the King hath these two Years last, *probo Dele*: anticipated his Revenue near a Million more, as his Creatures, and worthy Trustees for their Country, have confess'd in Parliament, as a powerful Argument to enforce the Commons to pay such Debts, and by a farther Law entail perpetual Anticipations upon the Kingdom, to its utter Ruin and Desolation.

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Upon Consideration of all this, they finally Resolv'd, 'That they wou'd not grant any Supply to his Majesty for the taking off the Anticipations that were upon his Revenue.' But soon after they voted a Supply of three hundred thousand Pounds for the Building of twenty Ships of War, *viz.* One first Rate, of fourteen hundred Tun; Eight second Rates, of eleven hundred Tun; and Eleven third Rates, of seven hundred Tun. But again resolv'd to appropriate the ancient Tunnage and Poundage to the Use of the Navy; which prov'd very unacceptable to the Court. Another Thing under Consideration was the Trade with France; concerning which * Sir George Downing deliver'd in the following Paper, entitled, 'A Schedule of the Trade, as it is at present carry'd on between England and France, in Commodities of the Native Product and Manufacture of each Country, calculated as exactly as possible, in Obedience to the Command of the right honourable the Lords Commissioners for the Treaty of Commerce with England, humbly tender'd to your Lordships.' The Particulars of the Commodities exported from England to France, and the Commodities imported from France into England; are for Brevity sake omitted; and by the Accounts given to the Lords Commissioners, it is perceiv'd, That the Linnen and Silk Manufactures only imported from France amount to upwards of eight hundred thousand Pounds; and that the Manufacture of Wool and Silk exported into France, doth not amount to eighty five thousand Pounds; as also that all other Commodities of the Product and Manufacture of England, exported into France, do not amount to ninety thousand Pounds more: Whereas the Wine, Brandy, and other Commodities of the Product and Manufacture of France imported into England, amount to upwards of three hundred thousand Pounds, besides an incredible Value of Toys, rich Apparel, Point-Lace, &c. and so it is apparent that the Exports of our natural Commodities and Manufactures to France, are less in Value by at least a Million Sterling than the Native Commodities and Manufactures of France, which we receive from thence; And if

A Supply voted.

An Account of
the Trade with
France, deliver'd by Sir
George Downing.

your

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your Lordships please to reflect thereupon, they will discover the Prejudices the English Nation sustains, and the great Advantages the French have, and do easily make by holding the Treaty in suspense; this Notice upon the Matter excluding Trade thither, whilst in the mean time the French enjoy all and as great Advantages, as they can reasonably expect by any Treaty. Upon this Subject they order'd a Bill to be brought in, which was receiv'd with Approbation.

A new Test
against Bribery.

About this Time the House having been surmiz'd to be under a corrupt Influence, the following Test was brought in for every Member to take by way of Purgation. This Test never being publish'd, will be worth the Remembring, and runs thus: ' I A. B. do protest before God, and this House of Parliament, that directly nor indirectly, neither I, nor any for my Use, to my knowledge, have, since the first Day of January 1672, had, or received any Sum or Sums of Money by ways of Imprest, Gift, Loan, or otherwise from the King's Majesty, or any other Person by his Majesty's Order, Direction or Knowledge, or by Authority deriv'd from his said Majesty, or any Pardon, Discharge, or Respite of any Money due to his said Majesty upon Account, or any Grant, Pension, Gratuity, or Reward, or any Promise of any such Office, Place or Command, of or from his Majesty, or out of any Money, Treasure, or Estate, of or belonging to his Majesty, or of, from, or by any foreign Ambassador, or Minister, or of, or from or by any other Person in the Name, or by the Appointment, or with the Knowledge of his Majesty, or any of them; otherwise than what I have now in Writing faithfully discover'd, and deliver'd to this House, which I have subscrib'd with my Name: Neither do I know of any such Gift, Grant, or Promise so given or made since the said Time to any other Member of this House, but what I have also insert'd in the said Writing; nor have I given my Vote in Parliament for any Reward or Promise whatsoever. So help me God, &c.

The Complaint of Mr.
Luzancy to the
House.

But while the House had these important Matters under Deliberation, one Monsieur Luzancy, a converted Papist, inform'd the House of his being compell'd, on pain of his being assassinated, or forc'd beyond Sea, by one Mr. St. Germain a celebrated Jesuit, to a Recantation, to which he added the following Particulars, viz. ' The said Monsieur St. Germain, several times conferring with Me, has attest'd to me what follows: 1. That the King was a Roman-Catholic in his Heart. 2. That the Court were endeavouring to get a Liberty of Conscience in England for the Roman-Catholics; and, that granted, in two years most of the English wou'd acknowledge the Pope. 3. That he knew the King's Intentions concerning Religion, and that he was sure his Majesty wou'd approve of all he shou'd do in that Matter.

4. That he laugh'd at the Parliament, as being only a Wave that had but a little Time; and said, that nobody was better welcome at Court, and had greater Intrigues with any of the Nobility than He. 5. That it was good sometimes to force People to Heaven; and that there were an infinite Number of Priests and Jesuits in London, that did God very great Service. All these Things will be sworn by Mr. Luzancy to have been affirm'd by the Jesuit St. Germain, who is the busiest Man amongst them all against Protestants; and many Persons of good Credit and Repute are also ready to justify upon Oath, that several of the Roman-Catholics have spoken Things quite as bad, or worse: In a word, they are grown so bold and insolent, especially the French and Irish, that a Profelyte cannot walk the Streets, without being threatned at every Stop, and call'd a thousand opprobrious Names.

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The Consequences of this, was a Design in both Houses to vouchsafe a Toleration to Protestant Dissenters. But while this, and several other Bills were depending, the unfortunate Contest was revived between the two Houses, concerning Dr. Shirley and Sir John Fagg; the former having continu'd his Process against the latter, and the Lords themselves adhered to their first Hearing of his Appeal. Upon which the Commons proceeded as follows:

The revival
of the Dispute
between the
two Houses, oc-
casioned by
Dr. Shirley's
Appeal to the
Lords.

Saturday, Nov. 13. 1675. An Order from the Lords to hear Sir John Fagg's Cause to-morrow Morning, was this Day read in the House of Commons, and debated, and the farther Debate thereof adjourned till Monday morning next.

Monday, Nov. 15. The House resolv'd, that the prosecuting Appeals in the Lords House, by Dr. Thomas Shirley against Sir John Fagg, a Member of this House, is a Breach of the Privileges of this House; and that the said Sir John Fagg do not make any Defence at the Lords Bar, in the said Appeal; and the farther Debate thereof was adjourned till to-morrow Morning.

Tuesday, the 16th, adjourned the farther Debate of Sir John Fagg's Business till to-morrow Morning; and on Wednesday, adjourned the farther Debate till Thursday; when Sir John Fagg's Business was resumed, and resolv'd that a Conference be desired of the Lords for avoiding Differences between the two Houses, and then adjourned till Friday Morning.

Friday the 19th. Sir William Coventry reports from the Committee, to whom it was referred, to prepare and draw up Reasons to be offered at the Conference to be desired with the Lords, for avoiding the Occasions of reviving the Differences between the two Houses; and a Paper of Reasons agreed by the said Committee, to be reported to

Sir William
Coventry's Re-
port relating
thereto.

Anno 27 Car. II. 1675. the House, being read, and the same being agreed to, is as followeth, *viz.*

A Paper propos'd to be deliver'd to the Lords at a Conference,

His Majesty having recommended to us, at the Opening of this Session of Parliament, the avoiding this Difference, if possible; and if it could not be prevented, that then we should defer these Debates till we had brought such public Bills to perfection, as may conduce to the Good and Safety of the Kingdom: The Commons esteem it a great Misfortune, that, contrary to that most excellent Advice, [the Proceedings in the Appeal, brought the last Session against Sir John Fagg, by Mr. Shirley, have been renewed, and a Day set for hearing the Cause; and therefore the Commons have judged it the best way, before they enter into the Argument of Defence of their Rights in this Matter, to propose to your Lordships, the putting off the Proceedings in that Matter for some short time; that so they may, according to his Majesty's Advice, give a Dispatch to some Bills now before them, of great Importance to the King and Kingdom; which being finished, the Commons will be ready to give your Lordships such Reasons against those Proceedings, and in Defence of their Rights, as we hope may satisfy your Lordships, that no such Proceedings ought to have been.

Resolved, That a Message be sent to the Lords, to desire a Conference, to preserve the good Correspondence between the two Houses.

Resolved, That whosoever shall prosecute any Appeal before the Lords, against any Commoner of England, from any Court of Equity, shall be deemed a Betrayer of the Rights and Privileges of the Commons of England; and shall be proceeded against accordingly: And the Resolution ordered to be affixed in the Lobby, Westminster-Hall-Gate, and all Inns of Court and Chancery; and then adjourn'd till next Morning.

Dr. Shirley ordered into Custody.

Nov. 20. Ordered, That Dr. Thomas Shirley be taken into Custody by the Serjeant at Arms attending this House, as also Sir Nicholas Stanton, for serving Mr. Onslow with an Order to attend the Lords; and then adjourn'd to Monday, Nov. 22. When his Majesty, a second Time, put a Stop to the Broil, by proroguing the Parliament to February come Twelve-month.

The sixteenth Session of the second Parliament.

Feb. 15, 1676-7. The Parliament met according to Prorogation, after an Interval of almost fifteen Months, when the King thus address'd himself to both Houses:

The King's Speech to both Houses.

' My Lords and Gentlemen,
' I Have called you together again after a long Prorogation, that you might have an Opportunity to repair
' the Misfortunes of the last Session, and to recover and
' restore

restore the right Use of Parliaments. The Time I have
 given you to recollect yourselves in, and to consider whi-
 ther those Differences tend; which have been so unhappily
 manag'd and improv'd between you, is enough to leave
 you without all Excuse, if ever you fall into the like again.
 I am now resolv'd to let the World see, That it shall not
 be my Fault, if they be not made happy by your Consul-
 tations in Parliament. For I declare myself very plainly
 to you, that I am prepared to give you all the Satisfaction
 and Security in the great Concerns of the Protestant Re-
 ligion, as it is establish'd in the Church of England, that
 shall reasonably be ask'd, or can consist with Christian
 Prudence; and I declare myself as freely, that I am ready
 to gratify you in a further Security of your Liberty and
 Property (if you can think you want it) by as many good
 Laws as you shall propose, and as can consist with the
 Safety of the Government, without which there will neither
 be Liberty nor Property left to any Man.

Having thus plainly told you what I am ready to do
 for you, I shall deal as plainly with you again, and tell
 you what it is I do expect from you. First, I do expect
 and require from you, that all Occasions of Differences
 between the two Houses be carefully avoided; for else they,
 who have no Hopes to prevent your good Resolutions, will
 hope by this Reserve to hinder them from taking any Effect.
 And let all Men judge who is most for arbitrary Govern-
 ment, they that foment such Differences as tend to dissolve
 all Parliaments; or I, that wou'd preserve this and all
 Parliaments from being made useless by such Dissensions.
 In the next place, I desire you to consider the Necessity of
 building more Ships, and how much all our Safeties are
 concern'd in it. And since the additional Revenue of Ex-
 cise will shortly expire, you that know me to be under a
 great Burden of Debts, and how hard a Shift I am mak-
 ing to pay them off as fast as I can, I hope will never de-
 ny me the Continuance of this Revenue, and some reason-
 able Supply to make my Condition more easy. And that you
 may be satisfy'd how impossible it is (whatsoever some Men
 think) to support the Government with less than the pre-
 sent Revenue, you may at any time see the yearly establish'd
 Charge; by which it will appear, that the constant and
 unavoidable Charge being paid, there will remain no Over-
 plus towards the discharging those Contingencies which may
 happen in all Kingdoms, and which have been a consider-
 able Charge to me this last Year. To conclude, I do re-
 commend to you the Peace of the Kingdom, in the care-
 ful Prevention of all Differences; the Safety of the King-
 dom, in providing some greater Strength at Sea; and the

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‘ Prosperity of the Kingdom, in assisting the necessary Charge and Support of the Government. And if any of these good Ends shou’d happen to be disappointed, I call God and Man to witness this Day, that the Misfortune of that Disappointment shall not lie at my Door. The rest I refer to the Chancellor.’ Who delivered himself in effect as follows :

The Lord Chancellor’s Speech.

‘ My Lords, &c. By the most gracious Pleasure of the King, you are here again assembled to hold another Session of this Parliament; wherein the King expects your Advice and your Assistance; your Advice in the Matters of the highest Deliberation, your Assistance in Matters of extreme and pressing Difficulty. Your Deliberations will chiefly be exercis’d about those Things which belong to your Peace, the Peace of the Church, and the Peace of the State; two Considerations of so close a Connexion between themselves, that in the very original Writ of Summons, by virtue of which you still sit here, they are jointly recommended to your Council and Care. The Peace of the Church is harder to preserve than the Peace of the State; for they, who desire Innovations in the State, most commonly begin the Attempt upon the Church. And by this means it comes to pass, that the Peace of the Church is so often disturb’d, not only by those poor mistaken Souls, who deserve to be pity’d, but by malicious and designing Men, who deserve to be punish’d: And while Things continue in this Estate, it cannot be avoided but that the Laws which are necessary to restrain the Malicious, must and will sometimes disquiet and wound those that are weak. What Remedies are fit for this Disease, whether the Fault be in the Laws, or the Men, in the Men that should obey, or in the Men that should execute; whether the Cure be a Work of Time and Patience, or of Zeal and Diligence; or whether any new Expedient can be found to secure the Ship from that Storm which the swelling of two contrary Tides seems to threaten, is wholly left to your Advice: The King hath call’d you for that End, and doubts not but your Councils will be such as shall tend to Safety and to Establishment.’

‘ The Peace of the State requires as much of your Care and Vigilance too: Our Peace at Home, and our Peace Abroad. As for that Abroad, we are at this time, blessed be God for his Mercy to us, and the King for his Care of us, in perfect Peace with all the Nations upon Earth: Such a Peace as makes us the Envy of the Christian World, and hath enabled us to do ourselves Right against the Infidels: Such a Peace as brings with it all the Fruits of Peace, and deserves not only our Prayers for the continuance of it, but our best and most watchful Care that nothing may be done on
our

but Part to give. it an Interruption. But then we must consider again, that our Peace abroad will not subsist any longer than while we maintain our Peace at home: For without this, no Kingdom can be able to act in its full Strength; and without that, the Friendship and Enmity of any Nation ceases to be considerable to its Neighbours. Now 'tis a great and dangerous Mistake in those, who think the Peace at Home is well enough preserv'd, so long as the Sword is not drawn; whereas in truth nothing deserves the Name of Peace, but Unity: Such an Unity as flows from an unshaken Trust and Confidence between the King and his People, from a due Reverence and Obedience to the Laws, and to his Government, from a religious and awful Care, not to remove the ancient Land-marks, not to disturb those Constitutions which Time and the public Convenience have settled, from a Zeal to preserve the whole Frame and Order of the Government upon the old Foundations, and from a perfect Detestation and Abhorrency of all such as are given to change: Whatever falls short of this, falls short of Peace too. If therefore there be any Endeavours to renew, nay if there be not all possible Endeavours to extinguish the Memory of all former Provocations and Offences, and the Occasions of the like for the future; if there be such Divisions as beget great Thoughts of Heart; shall we call this Peace, because it is not War, or because Men do not yet take the Field? As well we may call it Health, when there is a dangerous Fermentation in the Blood and Spirits, because the Patient hath not yet taken his Bed.

Then, laying open the Difficulties with relation to the Weakness of the Fleet and King's particular Debts; he proceeded thus: 'One Difficulty more there is, without which all the rest were none, and that is the strange Diffidence and Distrust, which, like a general Infection, begins to spread itself through all the Corners of the Land. Much of this rises from the Artifice of ill Men, who create and nourish all the Suspicions they can devise; but the Cure of it lies perfectly in your Hands, for all will presently vanish as soon as Men shall see your Acquiescence, and the Fruits of it in a cheerful Concurrence with his Majesty to all these good and public Ends which he hath now so earnestly recommended to you. It wou'd be somewhat strange, and without all Example in Story, that a Nation shou'd be twice ruin'd, twice undone, by the self-same Ways and Means, the same Fears and Jealousies. Will any Man that but gives himself leave to think, refuse to enjoy and take comfort in the Blessings that are present, only for fear of future Changes and Alterations? Surely it is enough for any Kingdom, and more than most Kingdoms of the World can boast of, to have their Affairs

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faire brought into such Condition, that they may, in all human Probability, and: unless by their own Default, continue a long time safe and happy. Future Contingencies are not capable of any certain Prospect: A Security beyond that of human Probability, no Nation ever did or ever shall attain to. If a Kingdom be guarded by Nature against all Dangers from without, and then will rely too much upon what Nature hath done for them; If a Kingdom be warn'd and caution'd against all Dangers from within, by former Experiences, and then will either forget, or make no use of those Experiences; If a Kingdom be powerful in Shipping and Navigation, and then see their Neighbours endeavouring to overpower them that way, without being solicitous to augment and reinforce their own naval Strength; If a Kingdom be happy in the frequent Assemblies of their great Councils, where all that is grievous may be redress'd, and all that is wanting may be enacted, and then will render those Councils useles and impracticable, by continuing endless Distractions; who can wonder if their Affairs shou'd begin to be less prosperous, when otherwise, humanly speaking, and in all common Probability, their Condition wou'd have been out of the Reach of Fortune, and their Security in a manner impregnable.

My Lords and Gentlemen, If the presaging Malice of our Enemies shou'd portend any such Fate as this to befall us, the Wisdom and Magnanimity of this great Council will quickly be too hard for all their Auguries: The Honour and Loyalty of this august and venerable Assembly will leave no kind of room for such Divinations. You, that have the Happiness to live under so excellent a Monarchy, so admirable a Constitution and Temper of Government; You, that remember what the Want of this Government cost us, and the miserable Desolations which attended it, have all the Motives, and are under all possible Obligations to secure and advance the Interest of it. The King, on his part, meets you with so open and so full a Heart, and so absolutely resolved to do his utmost to glad the Hearts of his People, that it must be the strangest Infelicity in the World, if either he or his Subjects shou'd meet with any Disappointments here. For the King hath no Desires but what are public, no Ends or Aims which terminate in himself; all his Endeavours are so entirely bent upon the Welfare of his whole Dominions, that he doth not think any Man a good Subject who doth not heartily love his Country: And therefore let no Man pass for a good Patriot, who doth not heartily love and serve his Prince. Private Men indeed are subject to be misled by private Interests, and may entertain some vain and slender Hopes of surviving the Public; t a Prince

Prince is sure to fall with it, and therefore can never have any Interests divided from it. To live and die with the King is the highest Profession a Subject can make, and sometimes 'tis a Profession only and no more; but in a King 'tis an absolute Necessity, 'tis a Fate inevitable, that he must live and die with his People. Away then with all the vain Imaginations of those who infuse a Misbelief of the Government: Away with all those ill-meant Distinctions between the Court and the Country, between the natural and the politic Capacity; and let us all who go about to persuade others that there are several Interests, have a care of that Precept to which such Principles may lead them: For the first Men that ever began to distinguish of their Duty, never left off till they had quite distinguish'd themselves out of their Allegiance. Let no Contention then come near this Place, but that of a noble Emulation who shall serve his Country best, by well serving of the King; Let no Passion enter here, but that of a pious Zeal to lay hold upon all Opportunities of promoting the Honour and Service of the Crown, 'till our Enemies despair of ever profiting by any Disorders amongst us. And let all who pray for the long Life and Prosperity of the King, add their Endeavours to their Prayers, and study to prolong this sacred Life, by giving him all the Joys of Heart which can arise from the Demonstrations of the lively and the warm Affections of his People.

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As soon as the House proceeded to Business, a Motion was made for a Supply, which, after some little Debate, was granted; that is to say, 584,000 l. was voted for the building and furnishing Thirty Men of War, and without appropriating any Part of the Customs. And whereas the additional Excise upon Beer and Ale, which had been granted upon the Triple Alliance, was now of course to expire on the 24th of June this Year, a Bill for continuing of it three Years longer likewise pass'd without any difficulty. Yet they refus'd three Bills sent down from the Lords, one entitled, *An Act for securing the Protestant Religion, by educating the Children of the Royal Family, and providing for the Maintenance of the Protestant Clergy.* Another, *For the more effectual Conviction and Prosecution of Popish Recusants.* A third, *For the Regulation of the Press, with a Clause to break open a House on Suspicion of any Pamphlets.* The two first they rejected, as not answering the Ends of their Titles; and the last was too severe, at a Time when they thought the People under some Necessity of declaring their Minds, especially against the growing Power of France. This last seem'd their great Concern; and the general Disposition of the House was either for declaring War, or making stricter

584,000 l.
voted.

The additional
Excise upon
Beer and Ale
granted for
three Years
longer.

Three Bills from
the Lords re-
jected.

Alliances

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An Address to
the King on the
Growth of the
Power of
France.

The King's
Answer.

A second Ad-
dress concerning
Alliances.

quicks in Flanders, and on the Rhine, which now began to appear more formidable than ever. Accordingly they made this following Address to the King: 'We your Majesty's most loyal Subjects, &c. do most humbly offer to your Majesty's Consideration, that the Minds of your People are much disquieted with the manifest Dangers arising to your Majesty by the Growth and Power of the French King; especially by the Acquisitions already made, and the farther Progress like to be made by him, in the Spanish Netherlands, in the Preservation and Security whereof, we humbly conceive the Interest of your Majesty, and the Safety of your People are highly concern'd; and therefore we humbly beseech your Majesty to take the same into your Royal Care, and to strengthen yourself with such stricter Alliances, as may secure your Majesty's Kingdoms, and secure and preserve the said Spanish Netherlands, and thereby quiet the Minds of your Majesty's People.' To which the King shortly after gave this following Answer; 'That his Majesty was of the Opinion of his two Houses of Parliament; that the Preference of Flanders was of great Consequence; and that he wou'd use all Means in his power for the Safety of his Kingdom.'

Shortly after, on the 26th of March, they drew up a second Address, as follows: 'We your Majesty's most loyal Subjects, &c. do with unspeakable Joy, and Comfort, present our humble Thanks to your Majesty, for your Majesty's gracious Acceptance of our late Address, and that your Majesty was pleas'd in your Princely Wisdom to express your Concurrence and Opinion with your two Houses in reference to the Preservation of the Spanish Netherlands. And we do with most earnest and repeated Desires implore your Majesty, that you would be pleas'd to take timely Care to prevent those Dangers that may arise to these Kingdoms by the great Power of the French King, and the Progress he daily makes in those Netherlands and other Places. And therefore that your Majesty wou'd not defer the entering into such Alliances as may obtain those Ends; and in Case it shall happen that, in pursuance of such Alliances, your Majesty shou'd be engag'd in a War with the French King, we do hold ourselves oblig'd, and do with all Humility and Cheerfulness assure your Majesty, that we your most loyal Subjects shall always be ready, upon Signification thereof in Parliament, fully, and from Time to Time, to assist your Majesty with such Aids and Supplies, as, by the divine Assistance, may enable your Majesty to prosecute the same with success. All which we do most humbly offer to your Majesty as the unanimous Sense and Desire of the whole Kingdom.'

Upon

Upon a solemn Debate in the House, those against the Address argu'd and alledg'd *, ' That to press the King to make farther Alliances with the Confederates against the French King, was in effect to press him to a War, that being the direct and unavoidable Consequence thereof: That the Consideration of War was most proper for the King, who had full Intelligence of Foreign Affairs, and knew the *Arcana Imperii*. That it was a dangerous thing, hastily, to incite the King to a War; since our Merchant-Ships and Effects would immediately be seiz'd by the French King, who would thereby probably acquire the Value of near a Million to enable him to maintain the War against us: That he would fall upon our Plantations, and take, plunder, and annoy them: That he would send out abundance of Privateers, and take, and disturb our Trading Ships in these Seas, and in the Mediterranean. It was further alledg'd, ' That, at present, we had not so many Ships of War as he, and those Thirty which were to be built with the six hundred thousand Pounds now given, could not be finish'd in two Years: That we had not Naval Stores and Ammunition, &c. sufficient for such a purpose; and if we had, yet the Season of the Year was too far advanc'd to set out a considerable Fleet, and we could not now lay in Beef, Pork, &c. That when we were engaged in a War, the Dutch would probably leave us in it, and so gain to themselves the singular Advantage of sole Trading in Peace, a Privilege we now enjoy, and should not be weary of. That it was next to impossible, to make Alliances with the several Parties as might be expected, such and so various were the Interests and Cross-Biases, of and amongst the Emperor, the Spaniard, the Dane, the Dutch, the Brandenburger, and the several lesser Princes of Germany, and others. That we may easily enter into a War, but it would be hard to find the way out of it, and a long War would be destructive to us; for the Emperor, the French, Spaniard, &c. use to maintain War for many Years; yet a trading Nation, such as England, could not endure a tedious War.

In answer to these Allegations, on the other side it was insisted on, ' That they did not address for making War, but making Leagues, which might be a means to prevent a War. That the best way to preserve Peace, was to be in a preparation for War: That admitting a War should ensue thereupon, as was not unlikely, yet in conclusion that would tend to our Peace and Safety; for it could not be deny'd, That, if the Power of France were not reduc'd, and brought to a more equal Balance, we must, first or last, fight or submit. That it was commonly the Fate of those who kept themselves

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neutral,

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Arguments
against the Ad-
dress.

Those for it.

* We have this, and the following Debates, on the Authority of the celebrated Mr. Andrew Marvell, then Member for Kingston upon Hull.

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neutral, when their Neighbours were at War, to become a Prey to the Conqueror. That now or never was the Season to make war with France, while we may have such Auxiliaries; and if it were a formidable thing to engage him now, how much more when this opportunity was lost, the Confederacy dissolv'd, and we left to withstand him alone? That as to his seizing our Merchants Effects, the Case is the same now as it would be three Years hence, or whenever the War shall commence; And as to our Plantations and Traders, we must look upon the French as powerful, but not omnipotent; and we may as well defend them as the Dutch do theirs by Convoys, &c. and chiefly when the French shall have so many Enemies, and we so many Friends, as no other time is like to afford. They were sorry, indeed, to hear we wanted Ships, Stores, &c. but hoped it would appear to be otherwise. That the Season was not so far spent, but that a competent Fleet might be set out this Summer; and that, however defective we might be in this kind, the Dutch were ready to make an effectual Supplement in that behalf. That, however ill and false some Men might esteem the Dutch, yet Interest will not lie; and it is so much their Interest to confine and reduce the French, that it is not to be imagin'd, but that they will steadily adhere to every Friend, and every Alliance they shall join with for that purpose. That however various the several Confederates and their Interests were, yet a common Alliance might be made with them against the French, and the present Alliance may be extended to England. That a numerous and vigorous Conjunction against the French King is the way to shorten the Work; whereas, if he should hereafter attack us singly, he would continue the War on as long as he pleas'd, till he made an end of it and us together by our final Destruction. In conclusion they urg'd, 'That the present was the best time for the purpose, and that it would give Reputation to the Confederates, and immediate Comfort and Courage to our best Friends, and Safety to our selves in futurity against the old perpetual Enemy of England.'

The Address
carry'd.

The Arguments on this side prevail'd; and the second Address was presented to his Majesty on the 30th of March, but they receiv'd no Answer till 12 Days after. In the mean time they vigorously proceeded in the finishing of several good Bills, as one for taking away the Writ *de Hæretico Comburendo*, a Law that made many People very uneasy, especially now when the Fears of Popery were increasing. Another against the Profanation of the Lord's-Day: A third for the Augmentation of small Vicarages. Another remarkable one against Fraud and Perjuries, with some others. While they were thus busily employ'd, on the 11th of April, they receiv'd

receiv'd this Message from the King: ' His Majesty, having consider'd your last Address, and finding some late Alterations in Affairs abroad, thinks it necessary to put you in mind that the only way to prevent the Dangers which may arise in these Kingdoms, must be by putting his Majesty timely in a condition to make such fitting Preparations as may enable him to do what may be most for the Security of them. And if, for this Reason, you shall desire to sit any longer time, his Majesty is content you may adjourn now before Easter [this Year the 15th of April,] and meet again suddenly after, to ripen this matter, and to perfect some of the most necessary Bills now depending.'

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The King's
Message to
them.

Upon this Message it was mov'd, that the House should adjourn till after Easter, with a Resolution to enable the King to make such Preparations as should be thought necessary, and also pass some necessary Bills for the Kingdom; ' Which if they did not, the blame of the Neglect must rest upon themselves, and it would be observ'd, they had not sat to any Effect this four Years; and that now they had a Session, and given a Million, they took little care to redress Grievances, or pass good Laws for the People; and that they should not be able to give any Account of themselves to their Neighbours in the Country, unless they should face them down; that there was no Grievance or Mischief in the Nation to be redress'd, and that the King had stopp'd their Mouths by offering them to sit longer.' Others said, ' They should perfect two Money-Bills, and give the King Ease, and take another Time to consider further of Religion, Liberty and Property, especially seeing all Bills now depending would be kept on foot; the intended Recess being design'd only for an Adjournment: That they had very good Laws already, and would give their Shares in any new ones they were making, to be in the Country at the present Time; that it was necessary for them to be there the 10th of May, to execute the Money Bill, and some time was to be allow'd for their Journeys, and Rest after it; that the passing some necessary Bills, came in the End of the King's Message, and by the by; for his Majesty saith, ' That if for this Reason, that is, for making of Preparations, &c. they should desire to sit longer;' and if so, then also take Opportunity of passing such Bills. So the Sense and Inclination of the House was to rise before Easter, as had been before intimated and expected. Then they fell upon the main Consideration of the Message, and to make a present Answer.

Debates upon it

The Secretary, and other Ministers of State said, That the Alteration of Affairs which his Majesty took notice of, The Sense of the Ministers.
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Anno 29 Car. II. 1677. was the Success of the French against the Prince of Orange in the late Battle, and their Proceedings to take Cambray, and St. Omers. Thus, by Inches, or rather great Measures, they were taking in Flanders, which was reckon'd the Out-work of England as well as Holland. And they said plainly, that nothing could put his Majesty in a Condition to make fitting Preparations to preserve the Kingdom, but ready Money.

The Sense of
the Patriots.

To this it was answer'd, That it was not proper nor usual to ask Money at the End of a Session, and it was fit that Alliances should first be made, and that they should adjourn rather till that were done: For they ought not to give Money till they knew for what; and, it was clearly spoken and made out by them, that, if there was no Summer's War, there was Money enough given already.

The Ministers
Reply.

It was reply'd, That they had not Direction from his Majesty, as to what he had resolv'd; and it might be inconvenient to discover and publish such Things: But they would offer their Guess and Aim at such Things. If there were any Approaches towards a War, tho' they ought to consider like him in the Gospel, Whether with such a Force they could encounter a King that came against them with such a Force, they should think of providing a Guard for the Isle of Wight, Jersey, Guernsey, and Ireland, and secure our Coasts, and lie in a defensive Posture. We might be attack'd in the Night. Also, there would be a Necessity of an extraordinary Summer-Guard at Sea: His Majesty did use to apply 400,000 l. yearly out of the Customs, upon his Fleets. (The very Harbour-Expence in Anchorage, Mooring, Docks and Repairs, amounting to 110,000 l. *per Annum*.) And he was now setting forth forty Ships for the Summer-Guard: But, if there was a Disposition towards War, there must be more Ships, or at least, those must be more fully mann'd, and more strongly appointed, and furnish'd the more: especially if the Breach was sudden; for, otherwise, our trading Ships at Sea, as well as those Ships Goods in the French Ports would be expos'd. Now it is reasonable that the Remainder, which was above and beyond the King's ordinary Allowance, should be supply'd by the Parliament, and the extraordinary Preparations of this kind for the present, could not amount to less than 200,000 l.

Answered by
the Patriots.

It was answer'd, That it was a melancholy thing to think, that Jersey, &c. were not well enough secur'd; at least as well as in the Year 1665; when we alone had War with the French and Dutch too; and yet the King's Revenue was less than now. That the Revenue of Ireland was † 500,000 l. *per Annum* beyond the Establishments, (that is, the Civil, Military, and all Payments of the Government.) Which, if

not

† *Quere if there is not a Cypher too much in this Computation.*

not sent over hither, but dispos'd there, would serve to defend that Kingdom. And they remember that, about a Month ago, they were told by some of these Gentlemen, that the French King would not take more Towns in Flanders, if he could have them, but was drawing off to meet the Germans; who would be in the Field in May; and, therefore, it was strange he should be represented now, as ready to invade us, and that we must have an Army rais'd and kept on our Islands and Land. But a Fleet would protect all. Ships are the Defence of an Island, and thereby we may hope to keep him at a Distance, and not apprehend, or prepare to meet him at our Doors. He learns by Sicily, what it is to invade an Island. He is not like to attempt an Invasion of us, till he hath some Mastery at Sea, which is impossible for him to have, so long as he is diverted and employ'd at Land, in the Mediterranean, and in the West-Indies, as he is. And as to our Merchant-Ships and Goods, they are in no more Danger now, than they were in any War whatever. Nay, there was more Expectation of this, than there was of the last War; for the first Notice we, or the Dutch had of that Breach, was their Attempt on their Smyrna Fleet. Also it is observ'd, that what was said a Fortnight ago (tho' the Season was too far advanced to lay in Beef, and it would stink) was admitted to be a Mistake, for that now it was urg'd, that a greater and better appointed Fleet must be furnish'd out. It was still insisted on, likewise, that we were in the Dark; his Majesty did not speak out, that he would make the desir'd Alliances against the Growth of France; and resolve with his Parliament to maintain them. That, so long as there was any Coldness or Reservedness of this kind, they had no clear Grounds to grant Money for Preparations. His Majesty was a Prince of that Goodness and Love towards his People, that none did distrust him, but there was a Distrust of some of his Ministers, and a Jealousy that they were under French Influences; and Complaints and Addresses had been made against them. And, upon the Discourse of providing for the Safety of the Nation, it being said, we might be secur'd by the Guaranty of the general Peace, it was reflected on as a thing most pernicious to us: and that our Money and Endeavours could not be worse apply'd than to procure that Peace. All that they desir'd was, that his Majesty, and his People unanimously, truly, sincerely and thoroughly declare and engage in this Business, with a mutual Confidence, speaking as on both sides; and this, and nothing but this, would discharge and extinguish all Jealousies.

But it was objected, That it was not convenient to discover his Majesty's secret Purposes in a public Assembly: It might

Objections of the Ministers.

Answer'd. **1677.** **Answe'd.** might be too soon known abroad; and there was no reason to distrust his Majesty; but that, being enabled, he would prepare and do all Things expedient for the Kingdom.

It was answer'd that it was usual for foreign Ministers to get Notice of the Councils of Princes, as the Earl of Bristol Ambassador in Spain, in the last part of King James's Reign, procured Copies and often the Sight of the original Dispatches, and Cabinet-Papers of the King of Spain. But, acknowledging that his Majesty's Councils are impenetrable, yet the Things would in a short time discover themselves. Beside, they said, they did not much desire Secrecy. For let the King take a great Resolution and put himself at the Head of his Parliament and People in this weighty and worthy Cause of England, and let a flying Post carry the News to Paris, and let the French King do his worst.

His Majesty never had, nor will have cause to distrust his People. In 1667, in Confidence of our Aid, he made a League without Advice of Parliament (commonly call'd the Triple League) which was for the Interest of England, and whereby his Majesty became the Arbiter of Christendom; and in the Name, and upon the Account of that, the Parliament gave him several Supplies. In 1672, he made War without Advice of Parliament, which War the Parliament thought not for the Interest of England to continue; yet therein they would not leave him, but gave him 1,200,000 £ to carry himself in and out of it. How much more then are they concern'd and oblig'd to supply and assist him in these Alliances and War, (if it ensue) which are so much for the Interest of England, and enter'd into by the pressing Advice of Parliament? We hope his Majesty will declare himself in Earnest, and we are in Earnest, having his Majesty's Heart with us. Let his Hand rot off, that is not stretched out for this Affair! We will not stick at this or that Sum, or Thing, but we will go with his Majesty to all Extremities. We are not afraid of the French King because he has great Force, and extraordinary thinking Men about him, who manage his Affairs to a wonder: But, we trust his Majesty will have his Business manag'd by thinking Men, that will be provident and careful of his Interest, and not suffer him to pay Cent. per Cent. more than Things are worth, that are taken up and used: And, if the Work be enter'd upon in this Manner, we hope England will have English Success with France: As it is in bowling, if your Bowl be well set out (or directed) you may wink and it will go to the Mark. Were the Things clear and thoroughly undertaken, there would be less reason to dispute of Time; there never was a Council but would sit on Sunday, or any Day for such a Work. In fine, they said, the Business must lie at one Door, and they would
not

not, for any thing, it should stay in their Hands. And altho' they should hope his Majesty, in an Exigence, would lend to his People, who had given so much to him; yet they said, they could not leave him without providing him a Sum of Money, as much as he could use between this and some convenient Time after Easter, when he might, if he pleas'd, command their full Attendance by some public Notification.

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The Sum mention'd was 200,000 *l.* and the Expedient to raise it a borrowing Clause to be added to the Bill for levying almost 600,000 *l.*; the Effect of which was to enable his Majesty presently to take up the said Sum of 200,000 *l.* on the Credit of this Bill at 7 *per Cent.* Interest.

200,000 *l.* offer'd as an immediate Aid.

Some Discourse ensu'd of letting loose part of the 600,000 *l.* just mentioned; but then it was reflected that this Sum was appropriated for the building of Ships, and that they would not have this Appropriation unhing'd by any Means, and therefore resolv'd to annex the borrowing Clause to the Bill for continuing the additional Duty of Excise for three Years, which was not yet pass'd: Against which it was objected, that it was given for other Purposes, viz. To ease the King, to pay Interest for his Debts, &c. On the contrary, it was answer'd, that the Preamble speaks not of his Debts, but his extraordinary Occasions. But that besides, they did not intend to withdraw so much of that Gift, but did resolve to re-imburse his Majesty towards the 200,000 *l.* so much of it as he should lay out in extraordinary Preparations.

It was again objected, That this would be a kind of denouncing of War; and that 200,000 *l.* was a miserable, mean, and incompetent Sum to defend us against those whom we should provoke.

To which was reply'd, That it was but an Earnest of what they intended, and that they were willing to meet again, and give farther Supplies. Beside, the French King was not formidable for any great Hurt he could do us during the Confederacy. That there were several Princes of Germany at war with him, who, tho' much more weak and inconsiderable than we, were safe; being defended not by their own Strength, but the whole Confederacy.

The Debate concluded in voting the following Answer, which was presented to the King by the Speaker and the whole House on the 13th of April: 'We your Majesty's most loyal Subjects, &c. do, with great Satisfaction of Mind, observe the Regard your Majesty is pleas'd to express to our former Addressees, by intimating to us the late Alteration of Affairs abroad, and do return our most humble Thanks for your Majesty's most gracious Offer made to us thereupon in your late Message: And, having taken a serious Deliberation

An Answer to the King's Message.

of

Second Mess.
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of the same, and of the Preparations your Majesty hath therein intimated to us were fitting to be made, in order to those public Ends, we have at present provided a Security in a Bill for the additional Duty of Excise, upon which your Majesty may raise the Sum of two hundred thousand Pounds. And if your Majesty shall think fit to call us together again for this Purpose in some short time after Easter, by any public Signification of your Pleasure, commanding our Attendance; we shall, at our next meeting, not only be ready to reimburse your Majesty what Sums of Money shall be expended on such extraordinary Preparations as shall be in pursuance of our former Addresses; but shall likewise with thankful Hearts proceed then, and at all other times, to furnish your Majesty with so large a Proportion of Assistance and Supplies upon this Occasion, as may give your Majesty and the whole World, an ample Testimony of our Loyalty and Affection to your Majesty's Service; and as may enable your Majesty, by the help of Almighty God, to maintain such stricter Alliances as you shall have enter'd into, against all Opposition whatsoever.' Hereupon his Majesty, within two Days, sent this second Message to the House: ' His Majesty, having consider'd the Answer of this House to the last Message about enabling him to make fitting Preparations for the Security of these Kingdoms, finds, by it, that they have only enabled him to borrow two hundred thousand Pounds, upon a Fund given him for other Uses; his Majesty desires therefore this House shou'd know, and he hopes they will always believe of him, that not only that Fund, but any other within his Power shall be engag'd to the utmost for the Preservation of his Kingdom: But as his Majesty's Condition is, (which he doubts not but is as well known to this House as himself) he must tell them plainly, That without the Sum of six hundred thousand Pounds, or Credit for such a Sum, upon new Funds, it will not be possible for him to speak or act those Things which shou'd answer the Ends of their several Addresses, without exposing the Kingdom to much greater Danger. His Majesty doth further acquaint you, that having done his Part, and laid the true State of Things before you, he will not be wanting to use the best Means for the Safety of his People, which at present he is capable of.'

Another Message from the King.

Another Address from the Commons.

The House fell into an immediate Consideration of an Answer, and, after a short Debate, they drew up the following Address: ' We your Majesty's most loyal Subjects, &c. having consider'd your Majesty's last Message, and the gracious Expressions therein contain'd, for employing your Majesty's whole Revenue at any time, to raise Money for the Preservation of your Majesty's Kingdoms, do find great Cause

Cause to return our most humble Thanks to your Majesty for the same, and to desire your Majesty to rest assur'd, that you shall find as much Duty and Affection in us, as can be expected from a most loyal People, to their most gracious Sovereign: And whereas your Majesty is pleas'd to signify to us, that the Sum of two hundred thousand Pounds is not sufficient without a further Supply, to enable your Majesty to speak or act those Things desir'd by your People, we humbly take leave to acquaint your Majesty, that many of our Members being (upon an Expectation of an Adjournment before Easter) gone into their several Countries, we cannot think it parliamentary, in their Absence, to take upon us the granting of Money; but do therefore desire your Majesty to be pleas'd that this House may adjourn itself for such a short time, before the said two hundred thousand Pounds be expended, as your Majesty shall think fit, and by your royal Proclamation to command the Attendance of all our Members at the Day of Meeting. By which Time we hope your Majesty may have so form'd your Affairs, and fix'd your Alliances, in pursuance of our former Addresses, that your Majesty may be graciously pleas'd to impart them to us in Parliament; and we no ways doubt, but, at our next assembling, your Majesty will not only meet with a Compliance in the Supply your Majesty desires; but withal, such farther Assistance as the Posture of your Majesty's Affairs shou'd require. In confidence whereof, we hope your Majesty will be encourag'd in the mean time to speak and act such things as you shall judge necessary for attaining those great Ends, as we have formerly represented to your Majesty.

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The King had no sooner receiv'd this Address, but, finding the Money Bills ready, the same Evening, April the 16th, he came suddenly to the House of Peers, and, being seated on his Throne with the usual Solemnity, he sent for the House of Commons, and gave his Royal Assent to the several Bills presented to him, viz. 1. An Act for raising the Sum of five hundred eighty four thousand Pounds, &c. for the speedy building thirty Ships of War. 2. An Act for an additional Excise upon Beer, Ale, and other Liquors for three Years. 3. An Act for the better Observation of the Lord's Day. 4. An Act for Prevention of Frauds and Perjuries. 5. An Act for taking Affidavits in the Country, to be used in the Courts of Westminster-Hall. 6. An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons, on small Vicarages and Curacies. 7. An Act for taking away the Writ De Hæretico Comburendo. 8. An Act for Naturalization of Children of his Majesty's English Subjects born in foreign Countries during the late Troubles. 9. An Act for erecting a Judicature to determine

The King
passes several
Bills.

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The Parliament
adjourn'd.

The Continuation of the Sixteenth Session of Parliament.

Debates on the
Necessity of
Alliances.

Mr. Secretary
Williamson,
&c.

Differences touching Houses burnt by the late dreadful Fire in South-wark. 10. An Act for the better repairing and maintaining the Peer of Great Yarmouth. After the passing these Acts, the Lord Chancellor, by his Majesty's Command, acquainted the two Houses, that they had leave to adjourn themselves till the 21st of May next.

On the 21st of May, the Parliament met according to Adjournment, after a Recess of near five Weeks. On which Occasion a verbal Message from his Majesty to the House of Commons, was deliver'd by Mr. Secretary Coventry, by which His Majesty acquainted the House, that having, according to their Desire in their Answer to his late Message, April, 16. directed their Adjournment to this Time; because they did alledge it to be unparliamentary to grant Supplies when the House was so thin, in expectation of a speedy Adjournment; and having also issu'd out his Proclamation of Summons, to the end there might be a full House, he did now expect they would forthwith enter upon the Consideration of his last Message, and the rather, because he intended there should be a Recess very quickly. Upon this it was mov'd, that the King's last Message of April 16, and the Answer to it should be read: Which being done, after a long Silence, a Debate began about their Expectation, and the Necessity of Alliances; and particularly it was intimated, 'That an Alliance with Holland was most expedient, for that we shou'd deceive our selves if we thought we cou'd be defended otherwise; we alone cou'd not withstand the French, his Purse and Power was too great; nor could the Dutch withstand him, but both together might.' The general Argument was, 'That they came with an Expectation to have Alliances declared, and, if they were not made so as to be imparted, they were not call'd or come to that Purpose they desired, and hoped to meet upon; and if some few Days might ripen them, they wou'd be content to adjourn for the mean time.' The Secretary and others said, 'These Alliances were Things of great Weight and Difficulty, and the Time had been short; but if they were finish'd, yet it was not convenient to publish them, 'till the King was in a Readiness and Posture to prosecute and maintain them; 'till when his Majesty cou'd not so much as speak out, *i. e.* without first receiving six hundred thousand Pounds, according to the Words of his Message.' By others it was observed and said, 'That they met now upon a public Notice by Proclamation, which Proclamation was in pursuance of their last Address, in which Address they desire the King, they may adjourn for such Time, as within which, they hoped, Alliances might be fix'd, so as to be imparted. They mentioned not any particular Day;

if his Majesty had not thought this time long enough for Anno 29 Car. II. the Purpose, he might have appointed the Adjournment for a longer Time; or he might have given Notice by Proclamation, that, upon this Account, they should re-adjourn to a yet longer Time.* In this State of Uncertainty, the House adjourn'd for two Days, having first ordered the Committee for the Bill for recalling his Majesty's Subjects out of the Service of the French King, to sit in the Afternoon, when they went through the Bill.

The House adjourns for two Days.

The Commons being met at the Time appointed, his Majesty sent a Message for the House to attend him immediately at the Banqueting-House in White-hall, where he made the following Speech to them:

Gentlemen:

I Have sent for you hither, that I might prevent those Mistakes and Distrusts which I find some are ready to make, as if I had called you together only to get Money from you, for other Uses than you would have it employ'd. I do assure you, on the Word of a King, that you shall not repent any Trust you repose in Me, for the Safety of my Kingdoms; and I desire you to believe I would not break my Credit with you; but as I have already told you, That it will not be possible for me to speak or act those Things which should answer the Ends of your several Addresses, without exposing my Kingdoms to so much greater Dangers, so I declare to you again, I will neither hazard my own Safety, nor yours, until I be in a better Condition than I am able to put myself, both to defend my Subjects, and offend my Enemies. I do further assure you, I have not lost one Day, since your last Meeting, in doing all I could for your Defence; and I tell you plainly, it shall be your Fault and not mine, if your Security be not sufficiently provided for.

The King's Speech to them.

The Commons returning to their House, resolv'd to consider of the Speech in a full and regular Debate: In which the Secretary and others propounded the six hundred thousand Pounds Supply, but said, 'They did not press the House, but they might do as they pleas'd: But if they expected Alliances to be made, and made known, that Sum must be first granted: The King had the same Power of making War and Leagues, as this House had in giving Money; He could not have Money without them, nor they Alliances without him. He had consider'd the Matter, and found that he ought by such a Sum to be enabled to maintain and prosecute his Alliances, before they could or should be declar'd; and truly otherwise our Nakedness and Weakness

Debates upon it.

Mr. Secretary Williamfon.

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would be expos'd. 'Tis true, as has been objected, The asking and giving of Money for this Purpose, would alarm, as declaring the Alliance, but then it would defend too. A Whip will alarm a wild Beast, but will not defend the Man; a Sword will alarm the Beast, but will also defend the Man. We know the King would strip himself to his Shirt, rather than hazard the Nation. He has done much already; he has set out, and made ready to set out 44 Ships: But they must be distributed to several Places for Convoys, &c. There would need, it may be, 40 more in a Body. And it is difficult to get Seamen; many are gone into the Service of the French, Dutch, &c. The King is fain to press now.

The King has not had any Fruit of the 200,000 l. Credit provided him upon the three Year's Lease; he has try'd the City to borrow Money of them thereupon, and my Lord-Mayor return'd Answer, *That he had endeavour'd, but could not encourage his Majesty to depend upon the City for it.*

Answered by
other Members.

Several others spoke to this Effect: 'We should consider in this Case, as in the Case of the King's Letters-Patent, Proclamations, &c. If any Thing in them be against Law and Reason, Lawyers and Courtiers judge it void, and reckon it not to be done, or said by the King. For the King can do no Wrong, tho' his Council may. So we must look upon the King's Speeches, and Messages, as the Product of Council; and, therefore, if any Mistake be therein, it must be imputed to the Error of his Council, and it must be taken that the King never said it. Now to apply, certainly the treating and concluding of Alliances, requires not a previous Sum of Money, however the King's Council may misinform. They may be propounded and accepted by the means of the foreign Ministers, even without an Embassy to be sent from hence: And yet, if that were necessary, it were no extraordinary Charge. Alliances may be made forthwith, and then, Money would be granted forthwith. If they were declar'd to-day, the 600,000 l. should be granted to-morrow, and as Occasion should require: And there is no fear, but Money would be found for this purpose. Our own Extravagancies would maintain a War. The Money which has been provided the King already this Session, is sufficient for all the Preparations that can be possibly made, before these Alliances can be made. Forty Ships of ours, with the Help of the Dutch, are a good Defence against the French at Sea, now he is so entangled with Sicily, the West-Indies, &c. In the Triple League it was stipulated that 40 of our Ships, and 40 of the Dutch should be provided, and they were thought sufficient for the Purpose. If it were required that 40 more should be sent out, 600,000 l. is enough to maintain and pay

a whole Year clear for the Carpenters Work, and such like; and as to what should be presently requir'd for the fitting them to go out, a little Money would serve. And surely, this is the only Preparation that can be meant: For if it should be meant, that we should fortify the Land with Forts, Garrisons, Walled-Towns, &c. it is not six Millions will do it: But our Strength, Force, and Defence is our Ships. For the Debate of this Day, it is as great, and weighty as ever was any in England; it concerns our very Being, and includes our Religion, Liberty, and Property: The Door towards France must be shut and guarded; so long as it is open, our Treasure and our Trade will creep out, and their Religion will creep in. And this Time is our Season. Some Mischief will be done us; and so there will at any time when the War is begun; but now the least: The French are not very dangerous to us, nor much to be fear'd by us at this present. But we ought to advise and act so now, as we may not fear or despair hereafter, when the French shall make Peace beyond Sea; and, likely, will make Alliances with those People with whom we defer to make them. How ripe and great will be our Misery then? The Power and Policy of the French are extraordinary: And their Money influences round about them.

We are glad to observe, by what is said by, and of the King, that his Majesty agrees with us in the End, and we hope he will be convinced of the Reasonableness of the Means, which is, to make and follow these Alliances; without which, plainly, we can give no Account to ourselves, or those we represent, of giving Money.

We have made several Addresses about the King's Ministers, their Management, &c. of which we have seen little Fruit. There have continually, almost to this Hour, gone out of England, Succours to France, of Men, Powder, Ammunition, Ordnance, &c. Not to rake into the matter, how far the Ministers have been active or passive in this; not to mention any other Particulars, we must say, that, unless the Ministers, or their Minds are alter'd, we have no Reason to trust Money in their Hands, tho' we declare we have no Purpose to arraign, or attempt upon them, but would rather propose them an easy Way how they might have Oblivion; nay, and the Thanks of the People, viz. That they should endeavour and contend, who could do most to dispose the King to comply with this Advice of his Parliament. We think the prosecuting these Alliances, the only good Use for which our Money can be employ'd; and, therefore, before we give, we should be secure it shall be apply'd to this Purpose, and not by Mis-Councils, be diverted to others. This is the mature Council of Parliament: And no cross,
or

Answer to Ques. N. or other Council is to be trusted, for attaining these great Purposes, which the King and Parliament are agreed upon.

1677.

To part with Money, before Alliances are made, is needless and to no purpose; at least, it would be the Way to spend that Money before issu'd, in vain: which we shall need hereafter, when we shall be forc'd to enter into this Defence against France. It would be like an Error committed in the late King's Time, and which looks as if Men had given Counsel on purpose to destroy that good King. He had, by the Care and Faithfulness of Bishop Juxon and others, collected and preserv'd a good Sum of Money before the Scottish Rebellion in 1639; upon that Rebellion he was advis'd to raise an Army at Land, which, indeed, was necessary: But he was, likewise, advis'd to set out several of his Great-Rate Ships. This appear'd in the Papers of Sir Robert Long's Office, and may there be seen still, if the Papers are not scatter'd. A Man cannot tell for what End this Advice was given, unless to spend the King's Money; For the Admiralty of Scotland is not now, and much less then, was so considerable as to require any such Force against it. And if the Design was to hinder their Commerce and Succours by Sea, the Charge of one of those great Ships, might have been divided, and apply'd to the setting out five or six less Ships, each of which was capable of doing as much for that Service, as such a great one, and could keep out at Sea longer.

It is a plain Case, unless the Power of France be lower'd, we cannot be safe: Without Conjunction with Confederates, this cannot be done. The Question is then, Whether this be a proper Time for the Work. Certainly it is. There is already a happy Confederation against the French, which we cannot so well hope to have continued, without our coming into it: Much less can we hope to recover, or recruit it, if once broken. The very Season of the Year favours the Business. It is proper and safe to begin with the French in the Summer; now they are engag'd, and not at leisure: Whereas in Winter, when the Armies are drawn out of the Field, he will be able to apply himself to us.

As to the Citizens not advancing Money upon the late Credit, we are inform'd they were never regularly or effectually ask'd. My Lord-Mayor, indeed, was spoken to, and, perhaps, some of the Aldermen; but, all they, are not the City. He sent about curiously to some of the Citizens, to know if they would lend; of which they took little or no Notice, it not being agreeable to their Way and Usage. For the Custom, in such Cases, has always been, that some Lord of the Council did go down to the Common-Council, which is the Representative-Body of the City, and there propound

propound the Matter. Beside, in this particular Case, the *Annals of Car. II.* Citizens generally ask'd the same Question we do, Are the *1657.* Alliances made? And said, if they were made, they would lend Money; but if not, they saw no Cause for it.

Philip the Second of Spain made an Observation in his Will, or some last Memorial, and 'tis since publish'd in Print, by Monsieur . . . He observes the Vanity of any Prince's aspiring to Universal Monarchy: for that it naturally made the rest of the World jointly his Enemies. But Ambition blinds Men, suffers them not to look back on such Experiences. But, this Observation shews what is natural to do in such a Case. And that the Way to repel and break such a Design, is by their universal Confederation. Philip the Second was most capable of making this Observation: For, in his hands, perish'd the Spanish Design of the Universal Monarchy; and that chiefly, by reason of the Conjunction of the English and Dutch against him. In the Process of this Debate, Gentlemen did more particularly explain themselves, and propound to address their Design to the King, for a League Offensive and Defensive with the Dutch, against the French Power. To which a specious Objection was made; That the Dutch were already treating with the French, and 'twas like they would slip Collar, make a separate Peace for themselves, and leave us engag'd in a War with France. To which was answer'd, That the Dutch were interested in repressing the Power of France, as well as we, and that they knew their Interest: It was reasonable for them to say, if England, which is as much concern'd in this Danger, will not assist us, we will make the best Terms we can for ourselves: There is yet a Seam of Land between the French and us; we may trade by, or under them, &c. But if England will join the Dutch, they cannot find one Syllable of Reason to desert the Common Cause. They have observ'd a Propensity in the People of England to help them, but not in the Court of England. If they can find that the Court does heartily join, it will, above all things, oblige and confirm them. In 1667, when the Dutch were in Peace and Plenty, when Flanders was a greater Bulwark to them, for the French had not pierc'd so far into it, and when the Direction of their Affairs was in the hand of John de Witt, an inveterate Enemy to the Crown of England; yet then, their Interest did so far govern him, and them, as to enter into the Triple League against the Growth and Power of France, and keep it more steadfastly than we. And most certainly, therefore, now they are exhausted and weaken'd by a War, and stand in need of our Help, now the French have approach'd nearer the Brink of their Country, and are increas'd in Naval Force, to the Danger of their Trade and

Anne 29 Car. II. and Navigation, and now their Affairs are chiefly directed
1677. by a Kinlman of the Crown of England the Prince of Orange, they cannot deflect or start from a League they make with us against our common Enemy.

Motion for a League with Spain and Holland. It was mov'd, That there might be a League offensive and defensive with Spain and the Dutch, and other convenient Alliances, with the rest of the Confederates. But the Particular concerning Spain was retracted and laid aside, by the general Discourse of the Members to this purpose.

Spain dropt. ' We do covet an Alliance with Spain above others, for that they are Owners of the Netherlands, for whose Preservation we have address'd. That it is with Spain we have the most, if not the only profitable Trade, and the Spaniards are good, gallant and sure Friends; but they are remote, and we know not whether there are full Powers here or at Brussels for this matter; and to wait for that coming from Madrid, would be Church-work; whereas we need the swiftest Expedition.'

Reasons for it. On the Conclusion of the Debate, which was long, they agreed to draw up an Address to his Majesty, to the following Effect: ' We your Majesty's most loyal and dutiful Subjects, &c. having taken into our serious Consideration your Majesty's most gracious Speech, do beseech your Majesty to believe it is a great Affliction to us, to find our selves oblig'd, at present, to declare against the granting your Majesty the Supply you are pleas'd to demand; conceiving it not agreeable to the Usage of Parliaments, to grant Supplies for Maintenance of Wars and Alliances, before they are signify'd in Parliament; for which Usage, if we might depart, the Precedent might be of dangerous Consequence in future Times, tho' your Majesty's Goodness gives us great Security during your Reign, which we beseech God long to continue. This Consideration prompted us, in our last Address, humbly to mention to your Majesty our Hopes, that before our meeting again, your Majesty's Alliances might be so fix'd, as that you might be graciously pleas'd to impart them to us in Parliament, that so our earnest Desires of supplying your Majesty might meet with no Impediment or Obstruction; being highly sensible of the Necessity of supporting, as well as making the aforementioned Alliances, and which we still conceive so important to the Safety of your Majesty and your Kingdoms, that we cannot omit, upon all Occasions, humbly to beseech your Majesty, as we do now, to enter into a League, offensive and defensive, with the States-General of the United Provinces against the Growth and Power of the French King, and for the Preservation of the Spanish Netherlands; and to make such other Alliances with other such of the Confederates, as your Majesty

An Address to the King, declining a farther Supply till his Majesty's Alliances are made known.

Majesty shall think fit and useful to that End: In doing which (that no Time may be lost) we humbly offer to your Majesty these Reasons for the expediting of it. 1. That if the entering into such Alliances shou'd draw on a War with the French King, it would be least detrimental to your Subjects at this Time of the Year, they having now fewest Effects within the Dominion of that King. 2. That tho' we have great Reason to believe the Power of the French King to be dangerous to your Majesty and your Kingdoms, when he shall be at more leisure to molest us; yet we conceive the many Enemies he has to deal withal at present, together with the Situation of your Majesty's Kingdoms, the Unanimity of the People in the Cause, the Care your Majesty hath been pleas'd to take of your ordinary Guards of the Sea, together with the Credit provided by the late Act for an additional Excise for three Years, make the entering into, and declaring Alliances very safe, until we may in a regular Way give your Majesty such further Supplies, as may enable you to support your Alliances and defend your Kingdoms. 3. And because of the great Danger and Charge which must necessarily fall upon your Majesty's Kingdoms, if, through want of that timely Encouragement and Assistance, which your joining with the States-General of the United Provinces, and other Confederates, wou'd give them, the said States, or any other considerable Part of the Confederates, shou'd the next Winter, or sooner, make a Peace, or a Truce with the French King.—Having thus discharg'd our Duty, in laying before your Majesty the Danger threatening your Majesty and your Kingdoms, and the only Remedies we can think of, for the securing and quieting the Minds of your Majesty's People, with some few of those Reasons which have mov'd us to this, and our former Addresses on these Subjects; We most humbly beseech your Majesty, to take the Matter into your serious Consideration, and to take such Resolutions, as may not leave it in the Power of any neighbouring Prince, to rob your People of that Happiness which they enjoy under your Majesty's gracious Government; beseeching your Majesty to rest confident and assured, that when your Majesty shall be pleas'd to declare such Alliances in Parliament, we shall hold our selves oblig'd, not only by our Promises and Assurances given, and now with great Unanimity reviv'd in a full House; but by the Zeal and Desires of those whom we represent, and by the Interest of all our Safeties, most cheerfully to give your Majesty from time to time such speedy Supplies and Assistances, as may fully and plentifully answer the Occasions, and by God's Blessing preserve your Majesty's Honour and the Safety of the People.

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An Exception
made to it.

All which is most humbly submitted to your Majesty's great Wisdom.

After the reading of this Address in the House, it was observ'd and objected, 'That there was but one Reason given in it for declining the granting Money, and that was that it was unprecedented, about which they were not satisfy'd.' On the other side it was said, 'There might be other Reasons assign'd against giving of Money before the Alliances, but they rather desired to spare them;' only in general they said, 'Twas not reasonable to grant Money before there was a Change (they wou'd not say of Counsellors, but) of Counsels; and a hearty undertaking these Alliances, wou'd be the best Demonstration of that Change: For the swerving from this Interest and Part, was the Step by which we went awry, and the returning thereto wou'd restore us to our right Place and Way.'

A Gentleman, likewise produc'd and read the King's Speech of Feb. 10, 1667. which shews the proper Course and Practice, that Kings first communicate their Alliances made before they demand Supplies upon the Account of them.

And let fall.

Another Ex-
ception.

Upon this the Exception was let fall

But the grand Objection manag'd against it was upon the main Point of the Address, wherein they desired his Majesty to make a League offensive and defensive with the Dutch, &c.

Those who were against this Particular, (or particularizing) in the Address, spoke to this Effect.

This is an Invasion upon his Majesty's Prerogative of making Peace, War and Leagues, and it is the worse for the Distinction that is used, in respect of the Dutch and the rest, by which you give express Directions as to the Dutch, and referring to his Directions as to the others, it looks and gives an Umbrage, as if what he was to do was by our Leave.

The ancient Land-Marks, the Boundaries between King and People must not be remov'd: This Power, is one of the few Things entirely reserv'd to the Crown. Parliaments are summon'd to treat *de Arduis*: But, *de quibusdam Arduis* is unprecedented.

The Marriages of the Royal Family is such a peculiar Thing reserv'd to the King, and the Matter of Lady Arabella is an Instance. Queen Elizabeth resented it highly that the Parliament should propound her marrying; and she said, however it was well they did not name the Person: If they had nam'd the Person it had been intolerable. Now here you name the Persons, you would have the King ally.

If you come so far, you may come to draw a Treaty, and propose to the King to sign it. By this, you would put a great Indecorum on the King: He is now concern'd as a Mediator at Nimeguen, and it would be an indecent Thing for him, at the same Time, to declare himself a Party. It is believed the House of Austria (tho' they sent full Powers to Nimeguen for the Purpose) never intended to conclude a Peace. But it was an absurd Thing for them to declare so in public: There must be public Decorum.

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This is the way for the King to have the worse Bargain with the Confederates; for they, observing how he is importun'd, and as it were, driven to these Alliances, will slacken and lessen those advantageous Offers, which, otherwise, they would be forc'd to make.

And again, and again, they said his Majesty did agree with the House in the end, and they did not doubt but he would prosecute it by the same means as was desired. But his Prerogative was not to be encroach'd upon. This manner of proceeding would never obtain with the King; nay it would make the Address miscarry with him.

On the other Side, several spoke to this Effect:

Answer'd.

' We ought to consider, we are upon the Question of agreeing to an Address drawn by our Committee, by an Order; if they have not, in matter and manner, corresponded with our Direction or Intention, we have cause to disagree: But here the Exception taken, and cause press'd why we should not agree with them, is because they have observ'd the very Words and Substance of our Order, which exactly joins with this Draught.

This pass'd on Wednesday, upon a full Debate, in a very full House, two only contradicting, and not one speaking, or thinking the King's Prerogative was touch'd, and therefore, it is strange it should be made the great Objection and Question of this Day.

But the Prerogative is not at all intrench'd upon: We do not pretend to treat, or make Alliances; We only offer our Advice about them, and leave it with the King. He may do as he pleases; either make, or not make them. It is no more than other Persons may do to the King; for, doubtless, the Privy-Council may advise him in this Particular, and why not his great Council? This Rate of Discourse would make the King's Prerogative consist merely in not being advis'd by his Parliament, of all People.

There have been manifold Precedents for such Advices. Leagues have been made by Advice of Parliament, and have been ratified in Parliament. In Edw. 3. Rich. 2. and especially in Henry the 5th's time, with Sigismund the Emperor and King of the Romans; and Henry the 5th was a mag-

Rush. Coll. 43,
42, 45, 46.

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nanimous Prince, and not to be impos'd upon. 18. Jac. the Parliament advis'd the King about making and managing a War. And we may well remember our own advising the first Dutch War; and making Leagues is less than War.

But, if there were no Precedent in this particular Law, it would be no Objection; for Matter of Advice is not to be circumscrib'd by Precedent, if there be a new Law that a Prince should join in a War, together with another Prince, when that Prince was too potent before; and that when this was discern'd and a Peace made, yet Succours should continually go out of the first Prince's Dominions to the Service of the other Prince, and that notwithstanding several Addresses and Advices to the contrary.

'Tis true, as objected, that the Commons have sometimes declin'd advising in this Matter of War, so propos'd to them. But that shews not their want of Right to meddle therewith, but rather the contrary. The very truth is, it has been the Desire and Endeavour of Kings in all Ages to engage the Parliaments in advising War, &c. that so they might be oblig'd to supply the King to the utmost for, and through it. But they, out of a prudent caution, have sometimes wav'd the matter, lest they should engage farther or deeper than they were aware, or willing.

Since his Majesty is treating as Mediator at Nimiguen about the general Peace, it is a great Reason why he should specify the Alliances desired, as we have done, that we might make it known; we are far from desiring such Alliances as might be made by, and with a general Peace; but, on the contrary, coveting such as might prevent and secure us against that dangerous and formidable Peace.

Doubtless, the Confederates will offer honourable and worthy Terms; their Necessity is too great to boggle or take Advantages: Nor will they think the League less worthy, because we advise it; but rather value it the more, because it is done unanimously by the King, with the Advice and Applause of his People in Parliament.

Rush. Collect.

171, 172. 177,
178.

We cannot suppose that our proceeding thus to his Majesty, will prejudice our Address, or endanger its Miscarriage, since it is for his Majesty's Advantage; in that it obliges us to supply him to all Degrees thro' this Affair: And the more particular it is, the more still it is for the King's Advantage. For, if it had been more general, and the King had thereupon made Alliances, whatever they were, they might have thought and said they were not the Alliances intended; and it might be us'd as an Excuse or Reason for the not giving Money to supply his Majesty hereafter; but this, as it is now, doth most expressly, strictly and particularly bind us up.

We

We reflect that a great deal of time, and precious time, has been spent since, and in our Address on this Subject; and finding no effectual Fruit, especially of our last Address, we have cause to apprehend we are not clearly understood in what we meant. Now it is the ordinary way in pursuing Discourse in such case, and 'tis proper and natural for us to speak out, more explicitly and particularly, and tell his Majesty, that what we have meant is a League offensive and defensive: And to persuade us again to address on, in more general terms, as before, is to persuade us that, as we have done nothing these ten Weeks, so we shall do nothing still.

And since his Majesty, in his late Message and last Speech, has been pleased to demand 600,000*l.* for answering the Purpose of our Addresses, and assures us, that the Money shall not be employ'd to other Uses, than we would have it employ'd; it is most seasonable for us to declare plainly the Use and Purpose we intend, that so it may be concerted and clearly understood on all hands. And, therefore it is well done, to mention to his Majesty those express Alliances; we thinking no other Alliances worth the said Sums; and we, withal, promising and undertaking that his Majesty shall have this and more for these Ends.

Nor have we any cause to apprehend, that his Majesty shall take amiss our advising Leagues in this manner: We have presented more than one Address for Alliances against the Growth and Power of the French King; and his Majesty hath received, admitted and answered them, without any Exception; and if we may address for Alliances against a particular Prince or State; why not for Alliances with a particular Prince or State? It cannot be less regular, or parliamentary than the former.

And moreover, tho' we know that punctual Precedents are on our sides, besides our Commissions by our Writs, to treat *de Arduis & Argentibus Regem, Statum, & Defensionem Regni & Ecclesie Anglicanae concernentibus*; and beside the King's general Intimations in his printed Speech; yet, if it be said to be a decent and proper thing to have his Majesty's Leave and Consent before we proceed on such a matter, in such a manner as we now do, we say that that, in effect, is with us too: For, consider all our former Addresses, and his Majesty's Answers and Messages thereupon; and it will appear that his Majesty has engag'd and encourag'd us too upon that Subject; and that which he expects and would have, is not to limit or check our Advice, but to open and enlarge our Gifts. His Majesty appears content to be thoroughly advised, provided he be proportionably furnished and enabled with Money; which we being now ready to do, we clearly and conduively present him our Advice for the Application of it,

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it, to prevent those Mistakes and Distrusts, which his Majesty says he finds some are so ready to make, as if he had call'd us together only to get Money from us, or for other Uses than we would have it employ'd.

And, truly, the advising those Alliances, together with assuring his Majesty thereupon to assist and supply him presently and plentifully to prosecute the same, is our only way of complying and corresponding with his last Speech. For, these Leagues, follow'd and supported by these Supplies, are the only means and methods to put his Majesty in the best condition, both to defend his Subjects; and offend his Enemies; and so there will be no fault in his Majesty, nor us; but his and our Security will be sufficiently provided for.

Beside it will be worse, it will be a very bad thing indeed, not to make the Address for this particular League, now, since we have resolv'd it already. Our Intention being to have the Dutch, &c. comforted, encourag'd and assur'd. We did order this on Wednesday; and there is public notice taken of it abroad and beyond Sea. If, therefore, we should now, upon solemn Debates, set the same aside, it would beget a great Doubt, Discomfort and Discouragement to them. It is one thing never to have order'd it; another to retract it.

Also it was said, that this was necessary; but not all that was necessary. For suppose, which was not credible, that France should be prevail'd with to deliver up all Lorrain, Flanders, Alsace, and other conquer'd Places, are we safe? No, he has too many Hands, too much Money; and this Money is in great measure (a Million Sterling at least) supply'd from hence. We must depress him by Force, as far as may be. But farther, we must have Leagues and Laws to impoverish him: **WE MUST DESTROY THE FRENCH TRADE.** This would quiet, and secure us; this would make our Lands rise; and this would enable us to set the King at ease.

Upon the Conclusion, after a long Debate, the House * divided, whether this Particular of a League offensive and defensive with the Dutch should be left out of the Address, and it was carry'd in the Negative, Yeas 142, Noes 182.

The next day, May 26. The House had Notice, the King would receive their Address, and several Bills being mov'd to be read, it was generally agreed to proceed on nothing, but the French and Popery. After which, waiting upon his Majesty with their Address, He was pleas'd to Answer, that it was long, and of great Importance, that he would consider.

Mr. Ecbard says it was carried without a Division; but this is not his only Mistake.

consider of it, and give them an Answer, as soon as he Anno 29 Car. II.
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could.

Accordingly, on Monday the 28th, they were summoned to the Banqueting-House, where his Majesty was pleas'd to shew his Repentment in this following Speech:

Gentlemen,

Could I have been silent, I would rather have chosen The King's
repenting Speech
upon it.
to be so, than to call to mind Things so unfit for you to meddle with, as are contain'd in some Parts of your last Address; wherein you have entrench'd upon so undoubted a Right of the Crown, that I am confident it will appear in no Age (when the Sword was not drawn) that the Prerogative of making Peace and War hath been so dangerously invaded. You do not content yourselves with desiring Me to enter into such Leagues, as may be for the Safety of the Kingdom, but you tell me what sort of Leagues they must be, and with whom; and, as your Address is worded, it is more liable to be understood to be by your Leave, than at your Request, that I should make such other Alliances, as I please, with other of the Confederates. Should I suffer this Fundamental Power of making War and Peace to be so far invaded (tho' but once) as to have the Manner and Circumstances of Leagues prescrib'd to Me by Parliament, 'tis plain that no Prince or State would any longer believe that the Sovereignty of England rests in the Crown; nor could I think myself to signify any more to foreign Princes, than the empty Sound of a King. Wherefore you may rest assured, That no Condition shall make me depart from, or lessen, so essential a Part of the Monarchy; And I am willing to believe so well of the House of Commons, that I am confident these ill Consequences are not intended by you. These are in short the Reasons why I can by no means approve of your Address; and yet, tho' you have declin'd to grant me that Supply which is necessary to the Ends of it, I do again declare to you, That as I have done all that lay in my Power since your last Meeting, so I will still apply myself, by all the Means I can, to let the World see my Care for the Security and Satisfaction of my People, altho' it may not be with those Advantages to them, which by your Assistance I might have procured.

At the Conclusion of this Speech, his Majesty was pleas'd farther to declare his Pleasure to them, That the House be Adjourn'd till the 16th of July next; telling them, he Parliament ad-
journ'd.
would give them notice by his Proclamation when he intended they should sit again; which his Majesty was pleas'd

to

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to add would not be till the Winter, unless there should happen some extraordinary Occasion of calling them sooner.

Strange Behaviour of the Speaker.

The Members, after this Rebuke, return'd to the House, as it was said, greatly appall'd: Where several of them offering modestly to give vent to their present Thoughts, they were continually prevented by the Speaker; who affirm'd that, after the King's Pleasure was signify'd for an Adjournment, there was no Liberty of Speech. Nevertheless, many Persons insisting to be heard; He, without any Question put, of his own Motion, pronounc'd the House adjourn'd, and hastily quitted the Chair; to the no small Astonishment of the Members.

Meets again.

On the 15th Day of January both Houses of Parliament met according to Adjournment, after a Recess or Interval of a little above seven Months. But before they began any Business, the King sent them this following Message: ' That his Majesty had Matters of very great Importance to communicate to both Houses, in order to the Satisfaction of the late Addresses for the Preservation of Flanders. But it so happening, that Matters are not yet so ripe as within a few Days they will be; therefore his Majesty's Pleasure was, that they should be immediately adjourn'd till Monday the 28th of this Instant January.' On that Day his Majesty came to the House of Peers, and sending for the Commons, he made this remarkable Speech to both Houses:

The King's Message.

• My Lords, and Gentlemen,

And Speech to both Houses.

• **W**HEN we parted last, I told you, That before we met again I would do that which should be to your Satisfaction; I have accordingly made such Alliances with Holland as are for the Preservation of Flanders, and which cannot fail of that End, unless prevented either by the Want of due Assistances to support those Alliances, or by the small Regard the Spaniards themselves must have to their own Preservation. The first of these I cannot suspect, by Reason of your repeated Engagements to maintain them; and I know you are so wise as to consider, That a War, which must be the necessary Consequence of them, ought neither to be prosecuted by Halves, nor to want such Assurances of Perseverance as may give me Encouragement to pursue it: Besides, it will not be less necessary to let our Enemies have such a Prospect of our Resolutions, as may let them see certainly, That we shall not be weary of our Arms, till Christendom be restored to such a Peace, as shall not be in the Power of any Prince alone to disturb.

• I do acknowledge to you, that I have used all Means possible, by a Mediation, to have procured an honourable and safe Peace for Christendom; knowing how preferable such

such a Peace would have been to any War, and especially to this Kingdom, which must necessarily own the vast Benefits it has receiv'd by Peace, while its Neighbours only have yet smarted by the War: But, finding it no longer to be hoped for by fair Means; it shall not be my Fault if that be not obtain'd by Force, which cannot be had any other Ways. For this Reason I have recall'd my Troops from France, and have consider'd, that, altho' the Dutch shall do their Parts, we cannot have less on ours than ninety Sail of Capital Ships constantly maintain'd, nor less than thirty or forty thousand Land-Men (with the Dependencies) to be employ'd upon our Fleets and elsewhere. And, because there shall be no fear of misemploying what you shall give to these Uses, I am contented that such Money be appropriated to those Ends as strictly as you can desire. I have given Testimony enough of my Care in that Kind, by the Progress I have made in Building the new Ships; wherein, for the making them more useful, I have directed such larger Dimensions, as will cost me above one hundred thousand Pounds more than the Acts allow. I have gone as far as I could in Repairing the Old-Fleet, and in Buying necessary Stores for the Navy and Ordnance; and in this and other Provisions, for better securing both my foreign Plantations and the Islands nearer home, I have expended a great deal more than the two hundred thousand Pounds you enabled me to borrow upon the Excise; altho' I have not found such Credit as I expected upon that Security. I have born the Charge both of a Rebellion in Virginia, and a new War with Algiers: I stand engag'd with the Prince of Orange for my Niece's Portion; and I shall not be able to maintain my constant necessary Establishments, unless the new Impost upon Wines, &c. be continu'd to me, which wou'd otherwise turn only to their Profit to whom we least intend it.

I hope these Things will need little Recommendation to you, when you consider your Promises in some, and the Necessity of the rest; and to let you see that I have not only employ'd my Time and Treasure for your Safety, but done all I could to remove all sorts of Jealousies: I have marry'd my Niece to the Prince of Orange, by which I hope I have given full Assurances that I shall never suffer his Interests to be ruin'd, if I can be assisted as I ought to be, to preserve them. Having done all this, I expect from you a plentiful Supply suitable to such great Occasions; whereon depends not only the Honour, but, for aught I know, the Being of the English Nation, which will not be sav'd by finding Faults afterwards, but may be prevented by avoiding the chief Fault of doing weakly and by

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'halves, what can only be hoped from a vigorous and thorough Prosecution of what we undertake. These Considerations are of the greatest Importance that ever concern'd this Kingdom, and therefore I would have you enter immediately upon them, without suffering any other Business whatsoever to divert you from bringing them to good Resolutions.'

Lord O-Brian's Motion for a solemn Funeral and a Monument to the Memory of the late King. 70,000l. voted for that End.

The Session open'd with an unexpected Strain of * Loyalty, for before the House had consider'd any Part of his Majesty's Speech, having sat on part of the 30th of January, the Anniversary Fast, upon the Motion of the Lord † O-Brian, whose Son had lately married the Lord-Treasurer's Daughter, they voted, 'The Sum of seventy thousand Pounds for a solemn Funeral of his late Majesty King Charles the First, and to erect a Monument for the said Prince of glorious Memory; the said Sum to be rais'd by a two Months Tax, to begin at the Expiration of the present Tax for building Ships.'

An Address to the King.

The next Day the House took the King's Speech into Consideration, and in return presented an Address to his Majesty at Whitehall, declaring their 'Thanks for his Care expressed for the Preservation and Encouragement of the Protestant Religion, in concluding a Marriage between his Niece and the Prince of Orange; beseeching him not to admit any Treaty of Peace, whereby the French King should be left in Possession of any greater Dominion or Power, than was left him by the Pyrenean Treaty: That both on our Parts, and the Parts of the Confederates, no Ship nor Vessel may be admitted to come out of any Port of France, but that the Ships and Men be seiz'd, and the Goods destroy'd: That he would please to provide that none of the Parties who should join in this Alliance and Confederacy against France, depart from the said Alliance, till the

* The Constitution of the present House of Commons, that had sat near seventeen Years, was now more manifestly grown into two Parties, which were call'd by the Name of the Court and the Country: The Former were grown numerous, by a Practice introduc'd about five Years before this Time, by the Lord-Treasurer Clifford, of downright buying off one Man after another, as they could make the Bargain. The Country Party still continu'd the Majority, and retain'd more Credit upon the Corruption of others, and their Profession of Adherence to the true Interests of the Nation, especially in the Points of France and Popery: Where these came in question, many of the Court Party voted with those of the Country, who then carried all before them; but whenever the Court appear'd to fall in with the true Interests of the Nation, especially in those two Points, then many of the Country Party, meaning fairly, fell in with the Court, and carried the Votes, as they soon did upon the King's Pretence to grow bold with France, and resolve upon a War, if the Peace was refus'd. Echard.

† Vid. Append.

the said King be reduced to the said Treaty: That neither we nor the Confederates admit any Trade with France, or suffer any Goods to be imported from thence on pain of Forfeiture: That his Majesty in making such Confederacies as necessary for attaining these Ends, shall never doubt of the Affections of his People. Lastly, they renew'd their former Protestations and Engagements to persevere in the Prosecution of the said War; and when he should be pleas'd to impart such Alliances and Confederacies to them in Parliament, they would give such ready Assistances, upon all Occasions, as might bring the War to a happy Conclusion.

To this Address the King return'd the following Answer in Writing, which was read in the House of Commons the 4th of February: ' That he was not a little surpris'd to

' find so much inserted in their Address of what should not be, and so little of what should: That his Speech was to both Houses jointly, and the Return ought to be from both: That in their Address of the 20th of May last, they did invite him to a League Offensive and Defensive with Holland against the French King, and for preserving the Spanish Netherlands; and upon his Declaration of such Alliances, assur'd such speedy Assistances as might fully answer the Occasion: That he hath made such Alliances, yet finds no Return but the old Promises upon new Conditions; and so he may be us'd to Eternity, should he seem satisfy'd with such Proceedings: That on the 28th of May last he told them, how highly he was offended at the great Invasion of his Prerogative; yet they took no notice of it, but added to their former ill Conduct new Invasions. They desir'd him to oblige his Confederates never to consent to a Peace till the most Christian King be reduc'd to the Pyrenean Treaty; a Determination fitting only for God Almighty, since none but he can tell the Terms of Peace who knows the Event of War: They desire him not to suffer a Ship of theirs to come from France under Pain of Confiscation, not excepting Allies, Prince, or Ambassadors (if any among them:) That he did not believe any Assembly of Men ever gave so great and public a Provocation to the whole World, without so much as considering to provide one Ship, Regiment, or Penny towards justifying it: That, however, if by their Assistance he might be put into Arms sufficient for such a Work, he would not be weary till Christendom be restor'd to such a Peace, that it should not be in the power of one Prince to disturb it: That the Rights of making and managing War and Peace were in his Majesty; and if they thought he would depart from any Part of that Right, they were mistaken: the Reins of Government were in his Hands, and he had the same Care to preserve them

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The King's
Answer.

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there, as to preserve his own Person. He kept both his People's Protection and Safety; and that if the House of Commons would encourage his Majesty to go further in Alliances, they must consider of raising speedy Supplies; for from the Consideration of those he must take his Measures.

Shortly after the Commons resolv'd upon a Supply, but with some strict Limitations. At the same time they undertook to regulate such Grievances as arose from their own Privileges; and took off all written Protections which had been granted by several Members to such as were not really their Servants, to an incredible Number; and particularly voted, 'That no Protection should be allow'd to any but their menial Servants, actually in Service, and that not without a written Certificate.'

An Address
voted, that his
Majesty would
declare War
against France.

The next thing the House did, was to hasten the Poll-Bill for raising of Money; and on the 14th of March they express'd their Impatiency for a War in these Terms: 'Upon several Motions made for considering the deplorable Condition of the Nation, resolv'd in a Committee of the whole House, That it is their Opinion, that an Address be presented to the King, humbly to advise his Majesty, that his Majesty, to quiet the Minds of his loyal Subjects, and to encourage the Princes and States, Confederates against the French King, would be graciously pleased to proclaim and enter into an actual War with the French King; and to give his Majesty Assurances, That this House will constantly stand by and aid his Majesty, in the Prosecution thereof, with necessary and plentiful Supplies and Assistances; and that his Majesty would presently dismiss the French Ambassador, and recal his from France and Nimeguen.' Which Address was the next Day drawn up accordingly, and sent to the Lords for their Concurrence, but never proceeded further. For the King made haste to secure the Money-Bill, and on the 20th of March came to the House of Peers, and passed that and another, entitled, *An Act for Continuance of two former Acts, for preventing of Theft and Rapine upon the Northern Borders of England.* In the Poll-Bill there was one strict appropriating Clause for the Money so levied, to be apply'd to no use but the intended French War; and also another Clause prohibiting the Importation of any French Commodities for three Years. Upon passing these Bills, by the King's Order, the Parliament was adjourn'd till the 11th of April, when both Houses met, and adjourn'd to the Monday following.

Sent up to the
Lords, where
it stops.

The King
comes to the
House.

A short Recess.

On the King's particular Appointment, (Mr. Edward Seymour the former Speaker being ill) the Commons chose a new one, Sir Robert Sawyer, one of the King's Council; and then adjourn'd to Monday the 29th of April. But in a few days Sir Robert Sawyer excus'd his Attendance in

In a Letter, that he could not follow the Service by reason of a violent Fit of the Stone, occasion'd by his long sitting one Day in the House; whereupon the old Speaker, Mr. Edward Seymour, was again chosen, and reinstated in the Chair.

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Both Houses being met on Monday the 29th of April, and the King upon the Throne; the Lord-Chancellor Finch, in a long Speech, 'recited all the Addresses that had been made in relation to a War with France; what the King had already done in pursuance of the same, and joining in an effectual League with the Confederates to that End, and how ready the King was to pursue their Desires; but that now his Majesty had discover'd, that the Dutch were entering upon a Treaty of Peace with the French King, and that without his Consent or Privy; therefore his Majesty demands the Advices of his two Houses how to proceed.' Upon Consideration of this, on the 4th of May, the Commons directly voted, 'to give their humble Advice to his Majesty, that he would forthwith enter into the present Alliance with the Confederates, and an actual War with France, &c.' Besides this Advice, it was voted by a Majority of sixteen Voices, 'That the late Leagues, made with the States-General of the United Provinces, are not pursuant to the Addresses of this House, nor consistent with the Good and Safety of the Kingdom.' Upon which, two Days after, the King being disoblig'd, return'd this Answer, (by Mr. Secretary Williamfon:) 'His Majesty having been acquainted with the Votes of the 4th Instant, is very much surpriz'd both with the Matter and Form of them; but if his Majesty had had Exceptions to neither, yet his Majesty, having ask'd the Advice of both the Houses, doth not think fit to give an Answer to any thing of that Nature, till he hath the concurrent Advice of both Houses.'

Lord Chancellor Finch demands the Advice of both Houses, in his Majesty's Name.

The Commons Vote thereon.

The King's Reply.

The next Day, May the 7th, the House resolv'd, That an Address should be presented to his Majesty, for a speedy Answer to their Address of May 4. After which the Question being put, that an Address be presented to his Majesty, to remove those Counsellors who advis'd the Answers to the Addresses of May 26, and January 31 last, or either of them, it pass'd in the Affirmative: Yeas 154, Noes 139. A Debate likewise arising on the said Address, a Motion was made to adjourn, but was over-rul'd: Noes 144, Yeas 103. The Question was then put, that an Address be presented to remove the Duke of Lauderdale from his Majesty's Council and Presence, which pass'd in the Affirmative: Noes 92, Yeas 137. May the 8th, the Address was read for the first time by Sir Thomas Clarges, but several Debates arising thereon.

An Address voted to remove certain Counsellors.

Read by Sir Tho. Clarges.

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And again by
Mr. Powle.

thereon, the House adjourned. May 10, Mr. Powle read the Address for the second Time, and the Question being put whether the House should proceed on the said Address, it pass'd in the Affirmative: Noes 174. Yeas 176. The House divided on the fourth and sixth Paragraphs, the first of which was carry'd by six, and the last by three Voices.

The Address was as follows:

(An Abstract of which only has hitherto been published.)

' We your Majesty's most humble and loyal Subjects, the Commons in this present Parliament assembled, do in all Duty and Thankfulness humbly acknowledge your Majesty's Grace and Favour, in demanding our Advice upon the State of your Affairs, in the present Juncture, wherein your Majesty's Honour, and the Safety of this Kingdom are so nearly concern'd. According to which Command of your Majesty, we did immediately enter upon Consideration of what was imparted to us by your Majesty's Order, and, after serious Examination, and weighing of the Matter, we did resolve upon an Advice; which, because of the Urgency of Affairs, and the Expedition they did require, we did present in that Form, as was not usual in a Matter of so great Importance, and which we then directed to excuse to your Majesty, upon that Consideration, and because we apprehended the Dangers were so imminent, that the Delay of the least Time might be a great Prejudice to your Majesty's Service, and the Safety of your Kingdom. After so much Time already lost, we thought it necessary to apply immediately to your Majesty by ourselves; which, in Matters of this nature, is wholly in the choice of this House, and hath been frequently practised by us; and, because these Occasions are so pressing upon your Majesty, and the whole Kingdom so deeply sensible thereof, we most humbly beseech your Majesty, to communicate to us the Resolutions your Majesty hath taken upon our said Advice, that thereby, these imminent Dangers may be timely prevented.

' And whereas the Commons conceive that the present Inconveniencies and Dangers under which the Kingdom now lies, might either totally, or in a great measure have been prevented, if your Majesty had accepted of that Notice which in all Humility and Faithfulness we presented to your Majesty on the 26th of May last, and which we reiterated to your Majesty on the 31st of January ensuing, the refusing of which Advice, and dismissing the Parliament in May last, was the Occasion of those ill Consequences which have since succeeded both at Home and Abroad; all which have arisen from those Misrepresentations of our Proceedings, which have been suggested to your Majesty by some particular

ricular Persons in a clandestine Way, without the Participation and Advice, as we conceive, of your Council-Board, as tho' we had invaded your Majesty's Prerogative of making Peace and War: Whereas, we did only offer our humble Advice in Matters wherein the Safety of the Kingdom was concern'd, which is a Right was never yet question'd in the Times of your Royal Predecessors; and, without which your Majesty can never be safe: Upon which Ground your Majesty was induc'd to give us such Answers to those two Addresses; rejecting our Advice, as thereby your Majesty's good Subjects have been infinitely discourag'd, and the State of your Majesty's Affairs reduc'd to a most deplorable Condition: We do therefore most humbly desire that, for the Good and Safety of this Kingdom, and the Satisfaction of your Subjects, your Majesty would be graciously pleas'd to remove those Counsellors who advis'd the Answers to our Addresses of the 26th of May, and 31st of January last, or either of them.

And we do, farther, most humbly desire your Majesty favourably to accept this our humble Petition and Address, as proceeding from Hearts truly devoted to your Majesty's Service; and that, as we have never yet fail'd of giving Testimony of our Affection and Loyalty, to your Majesty's Person and Government, so your Majesty may rest confidently assur'd, that we shall never be wanting to support your Majesty's Greatness and Interest, while your Majesty relies on our Councils; which can have no other End, than what sincerely tends thereto, notwithstanding any sinister or self-interested Endeavours to make Impressions on your Majesty to the contrary.

After this Address had been read, a Motion was made to adjourn the House, but over-ruled on a Division: Yeas, 150; Noes, 158. A Motion being then made, that the Address relating to the Duke of Lauderdale, might be added to this, the following Paragraph was added:

'And farther we humbly beseech your Majesty, that the Duke of Lauderdale may be remov'd from your Presence and Councils.'

The next Day, Mr. Secretary Williamson,* giving the House to understand that his Majesty would receive their Address that Afternoon; added by Command: That his Majesty expected they would dispatch the Supply, or he should be oblig'd to lay up several of the great Ships already provided, and to disband many of the Forces newly rais'd. This gave rise to a Debate; and an Adjournment being propos'd, it pass'd in the Negative: Yeas 177, Noes 178.

The next Day his Majesty prorogu'd both Houses to the 23d Instant, having first answer'd the Address *extempore*, (according

The Duke of
Lauderdale ex-
pressly nam'd in
it.
Mr. Secretary
Williamson.

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The seven-
teenth Session
of the second
Parliament.

The King's
Speech to both
Houses.

cording to Mr. Echard, tho' the Parliament Journals make no such mention) to this purpose, ' That he was much surpriz'd at the Extravagancy of their Address, and unwilling ' at present to give it such an Answer as it deserv'd.'

On Thursday the 23d of May, after a short Recess or Interval, the Parliament met again; when his Majesty express'd himself to the following effect from the Throne :

' My Lords and Gentlemen,

' **I**N the first place, I am resolv'd, as far as I am able, to save Flanders, either by a War or a Peace, which way I see most conducing to that end. In either way, I think it convenient to keep up my Army, and Navy at Sea, for some time; but I leave it to you to consider of Supplies for their Continuance or Disbanding; and in either case not to discourage so many worthy and gallant Gentlemen, who have offer'd their Lives and Services to their Country, and that in pursuit of your Advice and Resolutions. I must tell you, that a Branch of my Revenues is now expiring, and another Part of it is cut off by a Clause in the Poll-Bill; that I have borrow'd two hundred thousand Pounds upon the Excise at your request; of all which you are to consider. That I have no Intentions but of Good to you, and my People, nor ever shall; therefore I desire you will not drive me into Extremities, which must end ill both for you and me, and (which is worst of all) for the Nation. I desire to prevent all Disorders and Mischiefs that may befall by our Disagreement; but in case there do, I leave it to God-Almighty to judge who is the occasion of it. In conclusion, I must tell you, That I will not, for the future, suffer the old course and method of passing of Laws to be chang'd, by tacking together several Matters in one Bill; but this Bill shall certainly be lost, let the Importance be what it will. The rest I leave to the Lord-Chancellor.'

The Lord
Chancellor's
Speech.

Accordingly his Lordship made a long and remarkable Speech, of which the most material Part is as follows: ' That with reference to the present State of Christendom, and a general Peace, the Advances which had been made abroad, tho' hastened by some late Occurrences, were long since meditated and prepared in Holland: For when the States-General perceiv'd, that tho' they had strain'd themselves to the utmost, and exceeded all the Proportions which by their Treaty they were bound to furnish, yet the Spaniards fail'd them in every Point, not only in the Subsidies they were oblig'd to pay, but in the very Strength and Forces they stood engag'd to set out; insomuch that all their
Towns

Towns and Garrisons were so far from being in any tolerable Posture to receive an Enemy, that they remain'd as perfectly defenceless as if they were intended to be abandon'd: Hereupon the States resolv'd to seek all Occasions of coming out of the War, and to lay hold on the first that should offer itself; and to that End, the last Year they solicited his Majesty to endeavour a Peace, and they would then have taken such a Peace as they now seek: But his Majesty thought he had done great Service to the Christian World, when he had gain'd two Points upon them; First, to model and concert with them the Terms and Articles of a better Peace; and then, on Prospect of that Peace, to enter into a League offensive and defensive with his Majesty, to obtain that Peace by Force, if it could not be had otherwise. Tho' the Dutch were still inclin'd to accept of Peace, and were hearkening after the French Propositions at Nimeguen; yet such were his Majesty's Resolutions to hold them to their League, and so constant were all his Refusals to hearken to such a Peace, that they must of Necessity at last have been oblig'd to continue on the War some way or other. But since it was heard abroad, that this League, which was the only Thing by which his Majesty could oblige the States, had been so ill understood at home, as to meet with some very unfitting, and very undeserving Reflections; as soon as it had taken Air, and understood, * That there was a Resolution to give no Money until Satisfaction was given in Matters of Religion, which in all Countries are the longest Debates that can be enter'd upon, and at this Time, above all others, should least have been stirr'd; and when at last the King had receiv'd an Address, which they took to be of such Nature as was never seen or heard of before in any State or Kingdom of the World, and proceeded so far as to express his Resentment of it: Then they concluded with themselves, That it was in vain to rely any longer upon England, for England was no longer itself: then all Sides began to wish for Peace, even Spain, as well as Holland; and if the Cessation, which is endeavour'd to be made in order to it, takes effect, as in all likelihood it will, we may conclude, That the Peace will soon follow.

After this historical Account, he proceeded to this Effect: 'What Influence such a Peace will have upon our Affairs, is uncertain; only we know we have given no small Provocation to a mighty King, who may be at leisure enough to resent it when he pleases; therefore it imports us to secure ourselves, by preserving Peace and Unity at home: He that foment's Divisions now, does more Hurt to his Country, than a foreign Enemy can do, and disarms it at a Time

TOME I.

N n

when

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This Part of
the Speech gave
great Umbrage
to the Com-
mons.

* On the Motion of Sir Thomas Clarges.

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when all the Hands and Hearts we have are little enough to defend us: No Fears of arbitrary Government can justify, no Zeal to Religion can sanctify such a Proceeding! He then reminded them of the late Times, 'When Religion and Liberty were truly lost, by being made a handle and pretence for Sedition; when Prelacy was call'd Popery, and Monarchy named Tyranny, &c. and can we now endure to see Men break the Act of Oblivion every day, by reviving the Memory of forgotten Crimes in new Practices?

It is worth the Consideration, whether we do not bring some kind of Scandal upon the Protestant Religion, when we seem so far to distrust the Truth and Power of it, that, after so many Laws past to guard it, and so many miraculous Deliverances from the Attempts made against it, we should still be afraid of its Continuance? Hath not the late Act made it absolutely impossible for the most conceal'd Papist that is, to get into any kind of Employment? And did ever any Law since the Reformation give us so great a Security as this? As little reason there is to be jealous of our Liberties and Properties. Can there be a greater Evidence of the Moderation of a Prince, and his Tenderness of the Liberty of the Subject, than to suffer, as he does every day, so much licentious and malicious Talk to pass unpunish'd? If there be not a single instance to be found in a whole Reign, of a Man that has suffer'd against Law, and very few of those that have suffer'd by it, shall we endure them that dare say in all public Places, That the Nation is enslav'd? Let them shew the time, if they can, since the World began, and this Nation was first inhabited, wherein there were fewer Grievances, or less cause to complain than at this present time: Nay, let them search all Ages and Places, and tell us when and where there was ever found a happier People than we are at this day.'

He proceeded then to the Matter of the Revenue, and to the same purpose with what the King had said before, with some Enlargement; but plainly told them, 'That the Manner of their Proceedings was as considerable to his Majesty, as the Matter; and that he would not accept a good Bill, how valuable soever, unless it came to him in the old and decent Method of Parliaments: That the late way of tacking together several independent and incoherent Matters in one Bill, seem'd to alter the whole Frame and Constitution of Parliaments, and consequently of the Government itself. It took away the King's negative Voice in effect, and forc'd him to take all or none, when one part of the Bill might be as dangerous, as the other was necessary for the Kingdom: It took away the negative Voice of the House of Peers by the same Consequence, and disinherited the Lords of their native Liberty of debating and judging what is good for the

the Kingdom: It look'd like a kind of defamation of the Government, and seem'd to suppose the King and Lords to be so ill affected to the Public, that a good Bill could not carry itself through by the Strength of its own Reason and Justice, unless help'd forwards by being tack'd to another that will be favour'd: It did at last give up the greatest share of the Legislature to the Commons, and by consequence the chief Power of judging what Laws are best for the Kingdom.' In fine, he shew'd that the same Method might be made use of by the Lords against the Commons; and thus every good Bill would be dearly bought at last, and one chief end of calling Parliaments, the making of good Laws, be wholly frustrated and disappointed, by departing from that Method which the Wisdom of our Ancestors purposely prescrib'd to prevent and exclude such Inconveniencies. These Innovations the King resolv'd to abolish, and had commanded him to say to them, *State super Vias antiquas.* Then he said, 'If this Session do not repair the Misfortunes, and amend the Faults of the last, it will look like a Fatality upon the Nation. He whose House is destroy'd by Fire, would find but little comfort in saying, The fire did not begin by his means; but it will be a matter of perpetual Anguish and Vexation to remember, That it was in his power to have extinguish'd it. Let the World now see, that your Zeal to preserve the Government is the same as when you were ready to die for its Restoration; and know, 'tis an Act as meritorious, and of as great Duty and Loyalty, to stand between the King and those Libellers, who would create a Misunderstanding between him and his Parliament, as 'tis to fight for him in a Day of Battel. Embellish the History of this Parliament, by shewing us the healing Virtue of this Session: So shall your Service be acceptable to the King, who never forgets any thing but Injuries: So shall you recommend yourselves to Posterity, by transmitting to them the same Peace and Happiness you are trusted with. And the God of Peace and Unity prosper all your Consultations to the Honour and Happiness of the King, and the Joy and Comfort of all his good Subjects.'

The House being return'd, proceeded to Business, and first of all renew'd the standing Order of the House with regard to Bribery and Corruption at Elections; which was as follows:

Resolved, That if any Person, hereafter to be elected into a Place to sit and serve in the House of Commons, for any County, City, Town, Port, or Borough, after the Teste of the Writ or Writs of Election, upon the calling or summoning of any Parliament hereafter; or after any such Place becomes vacant hereafter in time of Parliament, shall, by

Resolution relating to Bribery at Elections.

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himself, or any other on his behalf, or at his charge, at any time before his Election, give any Person or Persons, having Voice in such Elections, Meat or Drink, exceeding in the true Value 10*s.* in the whole, in any Place or Places, but in his own Dwelling-house or Habitation, being the usual Place of his Abode for six Months last past; or shall, before such Election be made and declar'd, make any other Present, Gift or Reward, or any Promise, Obligation, or Engagement to do the same, either to any such Person or Persons in particular, or any such County, City, Town, Port or Borough in general; or to, or for the Use and Benefit of them, or any of them; every such Entertainment, Present, Gift, Reward, Promise, Obligation or Engagement, is by this House declar'd to be **BRIBERY**; and such Entertainment, Present, Gift, Reward, Promise, Obligation or Engagement being duly prov'd, is and shall be sufficient cause and matter to make every such Election **VOID**, as to the Person so offending, and to render the Person so elected incapable to sit in Parliament by such Election: And hereof the Committee of Elections and Privileges is appointed to take especial notice and care, and to act and determine Matters coming before them accordingly.

Resolved, That the said Order do continue a standing Order of the House, &c.

A Motion to address the King to declare War against France.

The next remarkable Transaction of the House, was a Debate for an Address that his Majesty would acquaint the House with the state of Affairs in relation to War and Peace; as likewise to signify to his Majesty, that if he thought fit to enter into a War against the French King in concert with the Emperor, &c. the House would support him therein. Upon which, a motion was made to adjourn; which was carried in the Affirmative, Yeas 195, Noes 176. Nevertheless at their next Meeting, May 27, a Resolution past to the like purpose, with this additional Circumstance, that in case his Majesty declin'd to enter into the War, the House would provide for the speedy disbanding of the Army.

Carry'd,

The King's Answer,

The House further order'd, That the Members of his Majesty's Privy Council, do acquaint the King with these Votes, and pray his Majesty's speedy Answer. To which the King return'd the following Answer, which was read the very next Day in the House of Commons: 'That the French King hath made such Offers of a Cessation till the 27th of July, as his Majesty doth not only believe will be accepted, but will end in a general Peace; yet since that is not certain, he does not think it prudent to dismiss either Fleet or Army before that time, nor doth he think it will add much to the Charge, in regard the raising Money, and paying them off, would take up that time, were they to be

‘ be disbanded as speedily as possible: In the mean time he desired Money for their Subsistence, that, as hitherto they have been the most orderly Army that ever came together; they may be encourag’d to continue so. Then he concluded with reminding them of the two hundred thousand Pounds formerly mentioned in his Speech, which he wanted for the Subsistence of his Household.’ Hereupon, on the next sitting Day, the Commons unanimously voted; ‘ That all Forces rais’d since the 29th of September last (except those transported to Foreign Plantations) be forthwith paid off and disbanded, and that they would consider of a Supply for that purpose.’

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Upon the 4th Day of June, the House of Commons, who seem’d now in a more giving humour than in the last Session, first voted two hundred thousand Pounds to be rais’d by a monthly Tax, in six Months, after the Land-Tax now in being, should be expired; but with a Clause, ‘ That this be for the disbanding the Army, by the end of this present June. The next day they voted the King two hundred thousand Pounds more, towards defraying the Expences of the Fleet; and were ready to add another such Sum for the King’s extraordinary Occasions. Soon after which his Majesty sent them a Message by one of his Secretaries of State, importing, ‘ That his mind was still the same with what he deliver’d in his Speech the 23d of May last; viz. That the Army and Fleet ought to be kept up till the expected Peace be concluded: And he further recommended to their Consideration, whether it were not dishonourable for him to recall his Forces in Flanders, from those Towns which he had taken into his Protection, before they could provide themselves of other Succours.’ Upon Consideration of which, the Commons extended the time, as to the Forces in Flanders, to the 27th Day of July. But upon Saturday the 15th of June they resolv’d, ‘ That after the Tuesday following, no Motions should be made for any new Supplies of Money, till after the next Recess; nor any more private Bills brought in, till after the said Recess.’ The Division on the previous Question being Yeas 160, Noes 154; and on the Question itself, Yeas 163, Noes 154.

The Commons
vote a Supply.

A Message
from the King.

And resolve no
Motion shall be
made for a new
Supply till after
the next Re-
cess.

On the foresaid Tuesday, June 18th, the King came to the House of Peers, and sending for the House of Commons, he declar’d to them;

‘ **T**hat the Season requiring a Recess by the middle of next Month, it was convenient that he and his Parliament should part fairly, and with a perfect Confidence of one another: Therefore he open’d his Heart freely to them in some Particulars of the nearest Concern: ‘ That

The King’s
second Speech
to both Houses.

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That what he told them in the Beginning of the Session concerning a Peace, seem'd ready to be determin'd, at least as to Spain and Holland; in which Peace his Part would be not only that of a Mediator, but also to give his Guaranty in it. That Spain writes word, That unless England bears the charge of maintaining Flanders, even after the Peace, they will not be in a condition to support it long; therefore to that end, it was necessary to keep up the Navy at Sea, and not only so, but to give the World some assurance of being well united at home: That tho' the House of Commons might think such a Peace as ill a Bargain as a War, because it would cost them Money; yet if they seriously consider'd that otherwise Flanders had been lost, and perhaps by this time, he believ'd they would give much greater Sums than that would cost, rather than the single Town of Ostend should be in the French hands, and forty of their Men of War in so good a Haven over against the River's Mouth. Then he insinuated to them, that they could not but be pleas'd to understand, the Reputation England had gain'd abroad, by having in forty Days rais'd an Army of thirty thousand Men, and prepar'd a Navy of ninety Men of War; therefore if they desir'd to keep up the Honour of the Crown at home, and look to the Safety of the Balance of Affairs abroad, and pursue the Wars of Algiers; if they desir'd he should pass any Part of his Life in quiet, and all the rest in Confidence and Kindness with them, and other future Parliaments; they must find a way, not only to settle for his Life his Revenue as at Christmas last, but also to add a new Fund of three hundred thousand Pounds *per Annum*, upon which he would pass an Act to settle fifty thousand Pounds upon the Navy and Ordnance; and should be likewise always ready to consent to all such Laws as they should propose for the Good of the Nation.' He lastly reminded them, 'to enable him to keep his word with the Prince of Orange, in the Payment of his Niece's Portion, which was forty thousand Pounds; the first Payment being now due and demanded by him.'

Not comply'd
with.

Upon the Return of the Commons to their House, they immediately took the Speech into consideration, and soon voted his Majesty the humble Thanks of the House for his most gracious Expressions in it. But when they came to debate on the additional Revenue propos'd, they gave a total Denial to it; and not only so, but when a motion was made to give a Compensation for the lost Part of his Majesty's Revenues by the late prohibiting Act, concerning French Commodities, it pass'd in the negative, 202 against 145.

The

The same Day, a Debate arose in the House on the following several Heads, viz. To have an Account of what Pensions have been charg'd upon the Revenue: what Privy Seals have been issued for such Service since May 1677, and for a Test concerning Bribery of Members for giving their Votes. And concerning Popery and taking the Sacrament: conversing with foreign Ministers, and receiving Money from them: concerning such as have receiv'd Money for Council for any Bill depending in the House, or any Reward for being Chairman of a Committee: such as have solicited for Voices in any Cause depending before the House: such as have offer'd their Service to great Persons to give their Votes in Parliament, and have been refus'd: concerning such as keep public Tables, and such as have taken Money for granting Protections. Upon all which, a Motion being made to adjourn the House, it pass'd in the Negative: Yeas, 173; Noes, 103. A Resolution was then taken for an Enquiry to be made into all the above Particulars; and the Question being put: whether they should be referred to a Committee, it pass'd in the Negative: Yeas, 86; Noes, 100.

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A Debate on
Pensions, secret
Service, &c.

On the 20th, the Lords having desired a Conference on Matters of great Concern; and the House having appointed a Committee for that Purpose, Mr. Powle, the same Day, made a Report of what pass'd at it, which was as follows:

The Lords de-
sire a Con-
ference.

Mr. Powle's
Report.

That the Lord Privy-Seal (Earl of Anglesea) did manage the Conference, who acquainted the Manager for the Commons, that the Affair in question was a Message from his Majesty, which the Lords judg'd to be of such Moment to both Houses, and the whole Kingdom, that they thought it ought to be communicated without Delay. They then gave a Copy of the Message, which is here annex'd:

The Lord Treasurer, by his Majesty's Command, did let the House know, ' That his Majesty had received a Letter ' from his Ambassador at Nimeguen, Sir Lionel Jenkins, ' dated June 15, (N.S.) which gave an Account that the ' French Ambassador had declar'd to the Dutch, that they ' would not void any of the Places they held in the Spanish ' Netherlands, until Sweden be effectually restor'd to the ' Places taken from them, notwithstanding the Peace was ' already sign'd and ratified between them: That, upon this ' is arisen a Difficulty upon the side of the Spaniards, whe- ' ther they will accept the French Conditions: That Mr. ' Beverning, one of the States Embassadors there, had there- ' upon earnestly required of them, whether the Army of Eng- ' land was presently to be disbanded, for no body could tell ' to what End Things would come: For if France would ' keep all the Places in the Netherlands filled with Troops, ' it is in vain the States have taken so much Pains about the ' Barriers,

The King's
Message to the
Lords.

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‘ Barriers, for then they will have none when all is done: That Mr. Beverning was very anxious till he heard out of England: that the Army might not yet be disbanded: that the Imperial Ministers had been to visit him that Day, and that their principal Business was to learn what they could from him, and in what State our Army was, Things being in this doubtful Situation.’

The Result of this was a Message to the Lords, to remind them of the Bill, entitled, *An Act for granting a Supply to his Majesty, to enable him to disband the Forces rais'd since Sept. 29.*

The new Im-
posts on Wine
confirmed.

The House then resolv'd into a Committee, to take into Consideration the Motion for confirming the new Imposts upon Wines, and also, to consider of the Supply for Repayment of the 200,000*l.* borrow'd on the additional Excise, and for giving his Majesty 40,000*l.* for his Niece's Portion: which being agreed to in the Committee, and resolv'd on in the House, a Motion was made, that the Words (*the better to enable his Majesty to repair the Fleet*) be added to the Vote, it pass'd in the Negative: Yeas, 127; Noes, 176.

The 25th, the Lords having return'd the Bill for granting a Supply to his Majesty, to enable him to pay and disband the Forces rais'd since September 24, with Amendments; the said Amendments were severally read and rejected; after which it was resolv'd, that a Conference thereon be demanded of the Lords; and a Committee was appointed to manage it.

A Conference
demanded with
the Lords.

Sir Richard
Temple's Re-
port relating
thereto.

The 25th, Sir Richard Temple reported the Reasons and Provisos agreed on by the said Committee, to be offer'd to the Lords at the said Conference, which were as follow:

‘ The Lords having agreed with the Commons in this Bill, that there is no farther Occasion for the Forces rais'd since September 29, and sent to the Commons some Amendments; the Commons find themselves obliged to disagree with the Lords Amendments, by reason of the Methods and Rights of their House in a Matter very tender to them: But for answering the End to which the Lords seem to aim, the Commons will offer an Expedient, which they conceive warrant'd by Precedents, viz.

The Earl of Thanet's Bill enter'd into the Lords Journal Feb. 1674, which the Lords then grounded upon a Precedent in 35 of Queen Elizabeth; in both which, Provisos were added by the Lords, after the Bill was sent from the Lords, not relating to any Amendments made by the Commons.

The Proviso being then agreed to by the House, was the same Day left, together with the Reasons and Bill with the Lords.

The House then resolved into a Committee on the Supply, Anno 30 Car. II. 1678. in which it being resolved that 200,000*l.* should be laid on all Buildings erected on new Foundations since 1656; the Question was afterwards put, whether the House should agree with the Committee thereon: It pass'd in the Negative: Yeas, 88; Noes, 117.

The 26th, the Lords by Message desired a second Conference on the same Subject with the former; and the same Committee having been again appointed to meet them, Sir Thomas Meers, the same Day, gave in his Report of what pass'd at it, is as follows:

The Lords desire a second Conference.

Their Lordships, finding that as the Bill came up to them limited to so very short a Time, for the Execution of it, and that under the Penalties of Forfeitures and Disabilities to bear Office on those who should not do their Work, according to the Purport of the Bill within the Time prefix'd, which their Lordships found absolutely impossible; they, therefore, proceeded to such Amendments as made the Bill practicable, by assigning farther Periods of Time, *viz.* For disbanding the Forces in England, to the 27th of July, and for those beyond Sea to August 24. And for Apprentices to return to their Masters, September 29. To all which Amendments you tell their Lordships, the Commons find themselves oblig'd to disagree with them, by reason of the Methods and Rights of your House in a Matter very tender to you: But did not communicate to their Lordships what those Methods and Rights were. But, for answering the End, which you told their Lordships, they seem to aim at, you offer'd them an Expedient in the Proviso, then deliver'd, which you conceiv'd was warranted by two Precedents, which you mentioned. We are commanded at this Conference, to let you know that the Lords have disagreed to your Proviso, and for these Reasons:

Sir Thomas Meers's Report of what pass'd therein.

1. That you find their Amendments so necessary, that by the Expedient propos'd you have enlarg'd the Periods even of their Amendments.

2. The Precedents you produc'd were both in Cases where Defects were found in Bills not remediable any other way; in which, therefore, both Houses easily agree.

3. You observ'd rightly that those Provisos, as added by the Lords after the Bills sent up to them by the Commons, did not relate to any Amendments made by the Commons. Whereas the Proviso, now made by the Commons, relates to two of the Amendments, made by the Lords.

4. Their Lordships take notice, that tho' you seem to disagree to all their Amendments, yet, in your Expedient, you take no notice of the Amendment relating to Apprentices,

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without which, the Provision which seems to be made for them in the Bill, will be merely illusory.

5. It is very doubtful, whether the Proviso, as penn'd, takes off the Forfeitures and Disabilities.

6. If the Proviso should be added, the Clauses of the Bill would be inconsistent with it; the same Bill appointing short Days under great Penalties, and enlarging the Days without Penalties.

For these Reasons, as their Lordships have disagreed to your Expedient, they do insist upon their Amendments, and desire your speedy Concurrence in the Bill so amended, that his Majesty may not want the Money, so necessary to his Service, and the Kingdom's Quiet.

The Amendments of the Lords were then read; the first, and second of which, were again rejected, but the third agreed to: The House, likewise, resolv'd to adhere to their Proviso, and order'd their former Committee to draw up Reasons for the same.

A Supply voted.

The same Day, the House Resolv'd, That the Supply, not exceeding 414,000*l.* shall be rais'd by twelve Months Land-Tax.

Sir Thomas
Meers's Report
concerning the
Conference.

The 28th, Sir Thomas Meers reported from the free Conference had with the Lords, on the subject Matter of their last, that the Lords had voted to adhere to the Amendments, and to disagree to the Proviso, but did not offer any Reason. This produc'd two Resolutions of the House, to adhere to the Proviso, and disagree to the Amendments.

July 1. The House desir'd another free Conference with the Lords, in consequence of the said Resolutions. The next Day it was order'd that the Members who manag'd the Conference; or any three of them, should prepare and draw up a State of the Rights of the Commons, in granting of Money, with the Reasons and Proceedings which had occur'd at the Conference; as, likewise, consider how the Rights of the House might be asserted; and of the Methods and Manner of Proceeding in Conferences between the two Houses.

The 2d. It was *Resolved*, That all Aids and Supplies granted to his Majesty in Parliament, are the sole Gift of the Commons; that all Bills for the Granting any such Aids and Supplies ought to begin with the Commons. And, That it is the undoubted and sole Right of the Commons to direct, limit and appoint, in such Bills, the Ends, Purposes, Considerations, Conditions, Limitations, and Qualifications of such Grants, which ought not to be chang'd by the House of Lords.

The Money-
Bill pass'd.

The 8th, The grand Money-Bill pass'd for granting a Supply to his Majesty, for *l.* 619,388. 11. 9.

The

The 15th, Sir Richard Temple deliver'd in his Report from the Committee, appointed to prepare a State of the Reasons and Proceedings relating to the above-mentioned Conferences; but the Entering the said Report was respited till farther Order.

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Sir Richard Temple.

The House was then commanded to attend his Majesty in the House of Peers, where the following Bills receiv'd the Royal Assent; viz. 1. *An Act for granting a Supply to his Majesty of six hundred nineteen thousand Pounds, &c. for Disbanding the Army, and other Uses therein-mention'd.* 2. *An Act for granting an Additional Duty to his Majesty upon Wines for three Years.* 3. *An Act to enable Creditors to recover their Debts of the Executors and Administrators of Executors in their own Wrong.* 4. *An Act for Burying in Woollen.* 5. *An Act for Admeasurement of Keels and Boats carrying Coals.* 6. *An Act for Reviving a former Act, entitled, An Act for avoiding unnecessary Suits and Delays, and for Continuance of another Act, entitled, An Act for the better settling Intestate Estates.* 7. *An Act for further Relief and Discharge of poor Prisoners for Debt.* 8. *An Act for Repealing certain Words in a Clause in a former Act, entitled, An Act for Enlarging and Repairing Common High-Ways.* 9. *An Act for Preservation of Fishing in the River Severn.* After which the Lord-Chancellor, by his Majesty's Command, acquainted the two Houses, 'That his Majesty had thought fit, in the present Juncture of Affairs, to prorogue them to the first of August next, and so to keep them in Call by short Prorogations; his Majesty not knowing how soon he might have need of their further Service and Assistance: But that his Majesty's Intention was, they should not meet till towards Winter, unless there were Occasion for their Assembling sooner, of which he would give them timely Notice by his Proclamation.' And accordingly the Parliament was prorogu'd till the first Day of August.

Several Bills pass'd.

October 21. The Parliament met, and his Majesty open'd the Session with a Speech to both Houses, as follows:

The eighteenth Session of the Second Parliament.

' My Lords and Gentlemen,

' I Have thought the Time very long since we parted last, and would not have deferred your Meeting by so many Prorogations, if I could well have met you sooner. The Part which I have had this Summer in the Preservation of our Neighbours, and the well-securing what was left of Flanders, is sufficiently known, and acknowledged by all that are abroad. And, tho' for this Cause I have been obliged to keep up my Troops, without which our Neighbours had absolutely despaired; yet both the Honour and Interest of the Nation have been so far improved by it, that I am confident no Man here would repine at it, or

The King's Speech to both Houses.

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think the Money raised for their disbanding to have been ill-employed in their Continuance; and I do assure you, I am so much more out of Purse for that Service, that I expect you should supply it. How far it may be necessary, considering the present State of Christendom, to reduce the Land and Sea-Forces, or to what Degree, is worthy of all our serious Considerations.

I now intend to acquaint you (as I shall always do with any Thing that concerns me) that I have been informed of a Design against my Person by the Jesuits, of which I shall forbear my Opinion, lest I may seem to say too much or too little: But, I will leave the Matter to the Law, and in the mean time will take as much Care as I can, to prevent all manner of Practices by that Sort of Men, and of others too, who have been tampering in a high degree by Foreigners, and contriving how to introduce Popery amongst us. I shall conclude with recommending to you my other Concerns. I have been under great Disappointments by the Defect of the Poll-Bill. My Revenue is under great Anticipations, and at best was never equal to the constant and necessary Expence of the Government, whereof I intend to have the whole State laid before you, and require you to look into it, and consider of it with that Duty and Affection which I am sure I shall ever find from you. The rest I leave to the Lord-Chancellor.

The Lord-
Chancellor
Finch's Speech.

Who, after a short Preamble, proceeded thus. 'The Close and Period of the last Session is very memorable; for it may seem, perhaps, to some to have ended with very different, if not contrary Councils and Supplies, tending both to War and Peace: But, yet, they who look more nearly into the Matter, shall find that this Uncertainty proceeded not from any Unsteadiness at Home, but from the Mutability of Affairs abroad; every Week, almost, producing several and contrary Appearances. The same Uncertainties of Councils and Events abroad continued for the most part of Summer; one while the Parties, exhausted by the War, seemed to be willing to accept any Peace their Enemies would give; and there wanted not those among them, who made use of the Impatience of their People to necessitate them to it. Another while, the Performance of the Conditions offered became so doubtful, and was at last explained in a manner so vastly different from the first Proposals, that Despair begot new Resolutions of continuing the War. In the midst of these miserable Perplexities and Confusions, his Majesty was daily solicited with the highest Importunities, and the most earnest Supplications that were possible, not to disband the Troops he had raised; and not only so, but that

he would still continue to send over more and more of his Troops, and to augment the Forces which he had already abroad. They did as good as tell him plainly, That it was from the Reputation of his Alliance, that any Overtures of Peace had been made at all; and that it was from the Continuance of his Arms, that any farther Performance could be expected. They prayed his Majesty to consider, That if he thought it expedient to obtain some kind of respite or breathing-time for the Spanish Netherlands, or to secure any kind of Frontier or Barrier between them and their too powerful Neighbours; all this and more, very much more, perhaps no less than the Safety of Christendom, would entirely depend upon his Majesty's preserving himself in that considerable Posture both by Sea and Land, wherein he then was. There was no resisting such repeated Intercessions; and tho' his Majesty saw well enough, that his complying with these Desires would engage him in an expence far beyond what he was then provided for, yet he could not possibly decline the Charge, nor refuse to undergo the Difficulties. And now whatever the Cost of all this may amount to, yet neither his People will have any cause to repent it, when they shall consider that it hath already produced such great and good Effects to his Majesty's Allies, and so much Honour to the whole Nation, that whatever is saved of Flanders, is now acknowledged by all the World, to be wholly due to his Majesty's Interposition. And tho' the Peace, which since hath followed, be very far from such a Peace as his Majesty could have wished, yet it is such a Peace as his Neighbours were resolved to have. No Obligations they lay under to insist upon a better Peace, no Conjunction with his Majesty, no nor the Offers to declare War on their behalfs, if they desired it, could prevail with them, or keep them from being wrought upon by the Arts of those, who first raised unreasonable Jealousies amongst them, and then caused them to precipitate themselves into a Peace. Thus you see at once, not only the Necessity which his Majesty had to continue his Troops in Pay, but likewise the Benefits and Advantages which have come of it.

Then insisting upon the Necessity of a Supply, in the same manner that the King had in his Speech, he proceeded in these Words. ' Thus you have in short an account of what had been doing abroad, and the Charge of it, 'tis now high time to look a little nearer home: And surely in that state of things to which they are now reduced, 'tis visible and plain enough what must be our business for the time to come. First, we must look to ourselves, and provide for our own Safety: For that which the Confederates acknowledge with Thanks, we may be sure hath a quite different
 Resentment

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Resentment in other Places. And in order to this, care must be taken so to strengthen ourselves both at home and abroad, that they who see us in a firm and well-settled Estate, may have no hopes to surprize, nor any temptation to make any attempt upon us. And herein it will be necessary to take notice of what his Majesty hath recommended to you, and to weigh very well the Importance of reducing the Sea and Land Forces, and the Consequences which may attend such a Reduction: For this be assured, that nothing in the world would more gratify our Enemies, than to see us afraid of maintaining ourselves in a posture of defence, which is the only posture they are afraid to find us in. And that the Fears of Popery may not too much disquiet you, be pleased to consider that you have one Security more, since that which was always the Interest of his Majesty's Honour and Conscience, is now become the Interest of his Person too, to protect the Protestant Religion, and to prevent the Swarming of seminary Priests. For his Majesty hath told you, That he hath lately received Information of Designs against his own Life by the Jesuits. And tho' he doth in no sort pardon the Persons accused, yet the strict Enquiry into this matter hath been a means to discover so many other unwarrantable Practices of theirs, that his Majesty hath reason to look to them. Nor are these Men the only Factors for Rome; but there are found amongst the Laity also, some who have made themselves Agitators to promote the Interest of a foreign Religion, who meddle with Matters of State and Parliament, [meaning *Coleman*] and carry on their pernicious Designs by a most dangerous Correspondence with foreign Nations. What kind of Process the Proof will bear, and to how high a degree the Extent and Nature of these Crimes will rise, is under consideration, and will be fully left to the course of Law.

In the next place, let us carefully avoid all Differences amongst ourselves, all manner of clashing about Jurisdictions, and all Disputes of such nature, as can never end in any Accommodation. For this is still what our Enemies would wish, who would be glad to see us ruined, without their being at the charge of it. And therefore we must now, above all other times, labour to shew the World the most effectual Significations of our Loyalty and Duty that we are able to express; for nothing in the World can more discourage our Enemies: As on the contrary, nothing does or can so ripen a Nation for Destruction, as to be observed to distrust their own Government. Be pleased then now to take occasion to manifest such a Zeal for the Government, as to look into the State of that Revenue which should support the constant and necessary Charge of it, and to see that

that it be made equal to it. There are many Motives to oblige us to this Inspection: First, you see the King expects it; and then again you cannot but see, that nothing is or can be of a more public Consideration, than to support the Dignity of the Crown, which is in truth the Dignity of the Nation. Besides, 'tis unsafe as well as dishonourable, that the King's Revenue should fall short of his most necessary, and most unavoidable Expences. And if upon a due Examination it shall be made appear to you, that though there had been no diminution of the Customs, yet no Thrift or Conduct in the World could ever make the Revenue able to answer the certain Charge of the Government, much less to discharge those Anticipations which lie heavy upon it; how can it be possible for it to supply those Contingencies which happen even in times of Peace; and which can never be brought under any Regulation or Establishment? You may be sure a great and generous Prince would be glad, by good Managery, to have wherewithal to exercise his Royal Bounty, but our Neighbours have found a way to prevent that: For their vast Preparations put his Majesty upon a vast expence, to preserve himself and us.

My Lords and Gentlemen,

You now find the King involved in Difficulties as great, and, without your Assistance, as insuperable, as ever any Government did labour under; and yet his Majesty doth not think that there need many Words to bespeak your Zeal and Industry in his Service: For the things themselves now speak, and speak aloud.

The public and private Interest do both persuade the same things, and are, and ought to be, mighty in Persuasion. If the Honour and Safety of your Country, and, which is next to that, the Concerns of your own Families and Posterities, cannot awaken your utmost care to preserve that Government which only can support you and yours, all other Discourses will be to no purpose. There can be no Difficulties at all to them who take delight in serving of the King and their Country, and love the occasions of shewing it. Such as are here! But though the King hath had for many Years a large and full Experience of your Duty, yet there never was a time like this to try your Affections. There is so strange a Concurrence of ill Accidents at this time, that 'tis not to be wondered at, if some very honest and good Men begin to have troubled and thoughtful Hearts. Yet that which is infinitely to be lamented, is, that malicious Men too begin to work upon this occasion, and are in no small hopes to raise a Storm that nothing shall be able to allay. If you can rescue the King's Affairs from such a Tempest as this; if you can weather this Storm, and steer the Vessel into the Harbour; if you can find a way to quiet the Apprehensions

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prehenſions of thoſe who mean well, without being carried away by the Paſſions of others who mean ill ; if you can prevent the Deſigns of thoſe without doors, who ſtudy nothing elſe but how to diſtract your Councils, and to diſturb all your Proceedings ; then you will have performed as great and as ſeaſonable a piece of Service to the King, as ever yet he ſtood in need of. And when the World ſhall ſee, that nothing hath been able to diſappoint the King of the Aſſiſtance he had reaſon to hope from this Seſſion ; but that there is a right Underſtanding between the King and his Parliament, and that again ſtrengthened and encreaſed by the Evidences of your Duty and Affection, and raiſed above all poſſibility of being interrupted ; then ſhall the King be poſſeſſed of that true Glory, which others vainly purſue, the Glory of reigning in the Hearts of his People. Then ſhall the People be poſſeſſed of as much Felicity as this World is capable of : And you ſhall have the perpetual Honour and Satisfaction of having been the means to procure ſo much ſolid and laſting Good to your Country, as the Eſtabliſhment of the Peace and Tranquility of this Kingdom, and conſequently of all his Maſteſty's Dominions.

The firſt Reſolves of the Houſe were, that a Committee be appointed to conſider of Ways and Means for the Prefer- vation of his Maſteſty's Perſon : That an humble Addreſs be preſented to his Maſteſty, for removing Popiſh Recuſants from London ; and that a Committee be appointed to en- quire into Sir Edmundbury Godfrey's Murder ; as likewiſe into the Plot. The ſame day the Houſe agreed with the Lords in an Addreſs to his Maſteſty, to appoint a ſolemn Faſt ; which was to the following effect :

Addreſs of both
Houſes for a ſo-
lemn Faſt.

That Information had been given of a horrible Deſign againſt his ſacred Life, and being very ſenſible of the fatal Conſequences of ſuch an Attempt, and of the Dangers of the Subverſion of the Proteſtant Religion and Government of this Realm, they humbly beſeech his Maſteſty, that a ſolemn Day of Faſting and Humiliation may be appointed, to implore the Mercy and Protection of Almighty God to his Maſteſty's Royal Perſon, and in him to all his loyal Sub- jects ; and to pray that God will bring to light, more and more, all ſecret Machinations againſt his Maſteſty and the whole Kingdom. All which was accordingly done by Proclamation, dated the 25th of October, requiring that Wednesday the 13th of November ſhould be kept for a general Faſt. On the 24th both Houſes again agreed on another Addreſs, viz.

A ſecond Ad-
dreſs concerning
Popiſh Recu-
ſants.

‘ We, your Maſteſty's moſt dutiful and loyal Subjects, the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, having taken into our ſerious conſideration the bloody

Bloody and traitorous Designs of Popish Recusants, against your Majesty's sacred Person and Government, and the Protestant Religion, wherewith your Majesty hath been graciously pleased to acquaint us: For the preventing whereof, we do most humbly beseech your Majesty, that your Majesty would be graciously pleased, by your Royal Proclamation, to command all and every Person and Persons being Popish Recusants, or so reputed, forthwith, under Pain of your Majesty's highest Displeasure, and severe Execution of the Law against them, to depart and retire themselves and their Families from your Royal Palaces of Whitehall, Somerset-House, St. James's, the Cities of London and Westminster, and from all other Places within ten Miles of the same. And that no such Person or Persons, do, at any time hereafter, repair or return to your Majesty's said Palaces, or the said Cities, or either of them; or within ten Miles of the same, other than Housholders, being Tradesmen exercising some Trade or manual Occupation, and settled for twelve Months last past in Houses of their own, and not having an Habitation elsewhere; giving in their own Names, and the Names of all other Persons in their Families to the two next Justices of the Peace: And that it may be inserted in the said Proclamation, that, immediately after the Day limited for their Departure, the Constables, Church-wardens, and other the Parish Officers, go from House to House in their several Parishes, Hamlets, Constableries and Divisions, respectively; and there to take an Account of the Names and Surnames of all such Persons as are Popish Recusants or suspected so to be, as well Housholders, as Lodgers and Servants; and to carry a List of their Names to the two next Justices of the Peace, who are to be thereby required and enjoin'd to send for them, and every of them; and to tender to them and every of them the Oaths of Allegiance and Supremacy; and to commit to Prison, till the next succeeding Session of the Peace, all such Persons as shall refuse the said Oaths; and, at the said Session, to proceed against them according to Law: And that your Majesty will be pleased to direct Commissions forthwith to be issued under the great Seal of England, to all Justices within the Cities of London and Westminster, and within ten Miles of the same, to authorize and require them, or any two of them, to administer the said Oaths accordingly. And that your Majesty would farther please to command that no Warrant or Licence granted by the Lords of your Majesty's most honourable Privy-Council, or otherwise than at the Council-Board, to be sign'd by six Lords of the Privy-Council, whereof the Lord Chancellor, the Lord Treasurer or principal Secretary of State to be one, for the Stay, Return, or Repair of any

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such Person or Persons, in, or to any of the said Places, will some more effectual Law be pass'd for preventing the said Popish Conspiracies, and for the Preservation of your Majesty's sacred Person, and the Religion and Government by Law establish'd; for which, we your Majesty's most dutiful and loyal Subjects, will always employ our utmost Endeavours and daily Prayers. [The same Day and the next, Mr. Oats, Mr. Michael Godfrey, and Mr. Mulys, having given in certain Informations to the House, (who on this Occasion sent for Lord Chief Justice Scroggs from off the Bench to sign certain Warrants) concerning the Plot, and the Death of Sir Edmundbury Godfrey, the following Clause was added to the Address.] And whereas the Safety and Preservation of your Majesty's most sacred Person, is of so great a Consequence and Concernment to the Protestant Religion, and to all your Subjects; we do farther most humbly beseech your Majesty to command the Lord Chamberlain and all other Officers of your Majesty's Household, to take a strict Care that no unknown or suspicious Persons may have Access near your Majesty's Person: And that your Majesty will likewise please to command the Lord-Mayor, and the Lieutenantcy of London, during the Session of Parliament, and likewise, the Lord-Lieutenants of Middlesex and Surrey, to appoint such Guards of the Train'd-Bands in Middlesex, Westminster and Southwark, and other Places adjacent, as shall be thought necessary.

His Majesty's
Answer.

To which his Majesty was pleas'd to reply to this purpose: 'That you shall have the Effect of your Desires, and that he would give speedy Orders for putting the same in Execution.'

The Speaker
order'd to communicate the
Proceedings of
the House to
the King.

The House then proceeded to scrutinize farther into the Murder of Sir Edmundbury Godfrey, as likewise into the Particulars of the Popish Plot, and ordered their Speaker to wait upon his Majesty, and communicate to him the Informations the House had receiv'd of the Dangers that his Majesty and the Nation lay under. To which his Majesty was pleas'd to return: 'That he acknowledged the great Care of the House for the Preservation of his Person and Government, &c.'

A Bill pass'd to
disable Papists
from sitting in
Parliament.

The following Days, the House was almost wholly employed in examining Witnesses, and Papers relating to the Plot, in the unravelling of which, they testified a very extraordinary Zeal; and October 28, to prevent Mischief in the Interval, pass'd the Bill to disable Papists from sitting in either House of Parliament.

Mr. Sacheverel's Report
of Coleman's
Examination.

The likewise appointed a Committee to examine Mr. Coleman in Newgate, of which Mr. Sacheverel was Chairman; who reported on the 29th, that the Prisoner Coleman deny'd any Design against either the King's Life or Authority,

say, or that he ever knew or heard of any Commissions to raise an Army. That he likewise deny'd, that he ever design'd or endeavour'd to change the establish'd Religion, or introduce Popery; but confesses, he did attempt to get this Parliament dissolv'd, in order to procure Liberty of Conscience, which he thought they would never grant. In order to which, he solicited 300,000*l.* from France; adding, that there were not three Men in England acquainted with his Designs, or Correspondence; of which the Duke of York was one, who, he believes, communicated them to Lord Arundel of Wardour.

That he farther confess'd, that his first Correspondence in France, was by certain Letters he had address'd to * Sir William Throckmorton; by which means he commenc'd a Correspondence with *La Ferrier*, on whose Death, he sent three or four Letters to *La Chaise*. That he had also confess'd a Correspondence with the Pope's Nuncio at Brussels, which was occasion'd by a Proposal from the Pope, to furnish the King with a great Sum of Money, provided the Catholics here might receive proportionable Favour.

That upon this, he was dispatch'd by the Duke of York to Brussels to the said Nuncio, for a farther Explanation of that Proposal: Who then disown'd that he had any Authority from the Court of Rome to make it; but that he had made it as a private Man? Offering however, his Services at his Return to bring it about: that notwithstanding, he had not corresponded with him for three or four Years.

That the Cypher, with the Provincial's Mark, was that used between him and † Father St. Germain; that he used no Cypher to the Provincial: That he used another Cypher to † Rouvigny's Secretary, but not in public Concerns.

And being then ask'd, whether he knew of any other Sum propos'd or treated on, he answer'd: That he believed there was, to keep the King from joining the Confederates, but could not affirm that any had been paid.

October 31. A Committee was appointed to enquire into the Delays of issuing forth the Writs, and sending them down for the electing of new Members: it having appear'd by the Clerk of the Crown, that, instead of returning the Writs after they were sealed, according to the Order of the House, the Lord Chancellor had undertook for their Delivery himself.

The same Day, Mr. Robert Wright, a Member, was accused by the Speaker, of having corresponded with *Coleman*: Mr. Robert Wright a Member examined and acquitted.

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* Converted by Coleman to the Roman Catholic Faith. † Successively Confessors to the French King. ‡ A Jesuit. † The French Ambassador in England.

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man : on which, he was examined by the House, and his Papers search'd; but acquitted with Honour.

Mr. Coleman's Letters were then read; of which * three were enter'd in the Journals by Order of the House, viz. one from Mr. Coleman to Father le Chaise, a second to the same, and a third from le Chaise, acknowledging the Receipt of the two former.

Upon the Evidence already arisen with regard to the Plot, the House came to a Resolution, and appointed a Committee to prepare Matters for a Conference with the Lords upon it; who the next Day, Nov. 1. by Sir Robert Sawyer, their Chairman, delivered in their Report as follows:

Sir Robert Sawyer's Report from the Committee appointed to draw up Reasons for a Conference with the Lords.

' That the House of Commons, after Examination of several Persons Papers, many of which his Majesty did acquaint the House had been communicated to your Lordships, and deliberate Consideration had thereupon, came to this unanimous Resolution :

Resolution of the House with regard to the Plot.

Resolved, nem. con. ' That, upon the Evidence, that has already appear'd to the House, that this House is of Opinion, that there hath been and still is a damnable and hellish Plot contriv'd, and carry'd on by Popish Recusants, for the assassinating and murdering the King, and for subverting the Government, and rooting out and destroying the Protestant Religion;

The House of Commons, being very sensible of the imminent Danger both the King and Kingdom are in, do think it their Duty to acquaint your Lordships therewith, and do pray your Lordships will be pleased to take it into your serious Consideration, what Remedies are fit and suitable to be apply'd for the preserving the King's Person and Government; to which the Commons shall readily concur, as they doubt not of your Lordships Concurrence to such Remedies as have, or shall be by them propos'd to your Lordships for effecting this great End.'

Sir Thomas Meers's Report of the Conference,

These Reasons being agreed to by the House, a Conference was immediately desired and obtained; an Account of which was, in the Afternoon of the same Day, delivered to the House from the Committee, by Sir Thomas Meers, viz.

That my Lord Chancellor manag'd the Conference, and that what was deliver'd, was as follows:

' The Lords have consider'd the Votes of the House of Commons, communicated to them at the Conference, and have most readily and unanimously concurr'd with them in it, *nem. con.* And their Lordships are very glad to see that Zeal which the Commons have shew'd upon this Occasion, and do fully concur with them; that the most speedy and

* For the Letters themselves, see State-Tracts relating to the Reign of Charles II.

and serious Consideration of both Houses, is necessary for preventing these imminent Dangers. In order whereunto, their Lordships have resolv'd to sit *de Die in Diem*, Forenoon and Afternoon, and desire the House of Commons would do so too. And when their Lordships shall have well consider'd of it, and proper Remedies for these Dangers, they will be ready to communicate them to the House of Commons, and will also take in good Part, whatever shall be communicated to them by the House of Commons; and will suffer nothing to be wanting on their Parts, which may preserve a good Correspondence between both Houses, which is absolutely necessary to the Safety of the King and Kingdom.

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Nov. 2. It was ordered by the House, that Mr. Speaker do address his Majesty from the House, that Mr. Coleman may be pardoned on a full Discovery, and that otherwise, neither Pardon nor Reprieve might be granted him; to both which Requests, his Majesty was pleas'd the same Day to accord. It was likewise ordered, that Mr. Speaker should signify what had pass'd to Mr. Coleman in Newgate, who reply'd: 'That he was very sensible of the miserableness of his Condition; for that he knew there was enough already known to take away his Life, and that he did not know enough to save it.' The same Day, the first Debate arose on an Address for the removing his Royal Highness from his Majesty's Person and Councils.

On the 7th, Sir Henry Capel reported from the Committee, appointed to examine Mr. Coleman in Newgate, That the said Coleman received of Mr. Rouvigny 300*l.* and of * Mr. Courtin, 360*l.* for Intelligence of every Day's Debates in Parliament, and for keeping a good Table.

Sir Henry Capel's Report of Mr. Coleman's farther Examination in Newgate.

That he received last Session of Mr. * Barrillon 2500*l.* to be distributed among Members of Parliament, which he had convert'd to his own Use: That Mr. Barrillon had, on the Occasion, pointed at several Members; and that he had told Mr. Barrillon, he had comply'd with his Instructions.

That, at the End of the last Session, he received of Mr. Barrillon 260*l.* more for Parliament Intelligence.

That Mr. Rouvigny, believing the Parliament was inflam'd by the Confederates against France, did therefore encourage him to pursue a Correspondence with Members: To render which more effectual, he did treat with St. Germain, about a Sum of Crowns to be dispos'd of among them.

That none of that Money was receiv'd: That he enter'd no foreign Letters in his Books, after his Correspondence with Le Chaise ceas'd: That he was to receive 30,000*l.* on procuring a Security for the Banker's Debt, which was

after-

* Ambassadors of France here, after Rouvigny.

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afterwards reduc'd to 7000 *l.* in Silver, and 3000 Guineas; of which he receiv'd but the Moiety of the Silver only.

And that this Contract made between himself and Sir Robert Viner, Alderman Bakewell, and Mr. Whitchall, was Verbal only.

Sign'd Edward Coleman.

An Address propos'd, to beseech his Majesty, to order Coleman's Letters to be printed.

The same Day the House agreed to an Address, and order'd it to be carry'd up to the Lords for their Concurrence: That, whereas a most wicked Design had been carry'd on for several Years past, for the utter Extirpation of the Protestant Religion and the Establish'd Government; and that it was necessary to proceed against the Persons concern'd in it, with unusual Severity: The House did humbly conceive that the best way to satisfy the Minds of the People, and stop the Mouths of the Papists, would be to publish some undeniable Evidences of their Transactions here, and Correspondencies abroad; and therefore, humbly desir'd that his Majesty would order Coleman's Letters, to Father Le Chaise to be printed, till a further Narrative of the Particulars relating to the horrid Conspiracy may be publicly set forth.

A second Address for a Proclamation concerning certain Persons fled from Justice, and for disarming popish Recusants, &c.

Upon the 8th, Another Address was likewise read, and ordered to the Lords for their Concurrence; humbly beseeching, That his Majesty would issue out his Royal Proclamation, prefixing a Day for certain * Persons, charg'd with being in the Conspiracy, who had since fled from Justice, to render themselves in order to take their Trials; commanding all Lieutenants, Deputy-Lieutenants, Justices of the Peace, Sheriffs, Constables, &c. to endeavour to apprehend them.

And that it be inserted in the said Proclamation, That all Constables, Church-wardens, Headboroughs, &c. do make out a present List of all Popish Recusants, or reputed to be so, as well House-keepers, as Lodgers, in their respective Parishes, and lay the same before one of his Majesty's Justices of the Peace near adjoining: Who shall send for the said Persons, and offer them the Oaths of Allegiance and Supremacy, and in case of a Refusal, to enter into Recognizance, to appear at the next Session; or in Default of entering into such Recognizance, to commit them to the Common-Goals till the next Quarter-Session; when all such Persons so refusing, shall be proceeded against according to Law. That special Commissions be forthwith issued under his Majesty's Great-Seal of England; authorizing the respective Justices of the Peace to administer the said Oaths. That all Lieutenants, Deputy-Lieutenants, and Justices of the Peace, do proceed without Delay, to the disarming all such as refuse

to

* Conyers, Symonds, Catfaway, Walsb, Lafeur and Pritthard.

to take the Oaths. That a Reward be given to such as shall discover where their Arms are conceal'd, or shall apprehend and bring before any Justice of Peace, any of the said Offenders. That all his Majesty's Officers of the Sea-Ports may be enjoin'd to take special Care for the apprehending all Popish Priests, &c. coming in or going out of the Kingdom, to whom the Oaths shall be tender'd; the which, if they shall refuse, the said Popish Priests shall be committed; and Notice thereof shall be sent to his Majesty's Privy-Council, that such farther Course may be taken for the Safety of his Majesty and his Government; as, in his Majesty's great Wisdom, shall be thought fit.

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The same Day, the House farther resolv'd, That an humble Address be presented to his Majesty, That there may be a particular Prayer, or Prayers compos'd for the Cities of London and Westminster relating to the Plot.

A Third
voted for a
Form of Prayer
relating to the
Plot.

The 9th, Mr. Secretary Coventry inform'd the House; That his Majesty had been made acquainted that there is an Address depending before the House of Lords to be presented to his Majesty, for the Printing of Mr. Coleman's Letters. That these Letters have not as yet been read in the House of Lords; and that it was his Majesty's Pleasure (if this House has done with the Letters) that the same should be return'd, to the end they may be communicated to the Lords. With which the House having comply'd, his Majesty order'd their Attendance in the House of Peers; where he express'd himself as follows:

Mr. Secretary
Coventry.

My Lords and Gentlemen,

I Am so very sensible of the great and extraordinary Care you have already taken, and still continue to shew for the Safety and Preservation of my Person in these Times of Danger, that I could not satisfy myself without coming hither on purpose to give you all my most hearty Thanks for it. Nor do I think it enough to give you my Thanks only, but I hold myself obliged to let you see withal; That I do as much study your Preservation too as I can possibly; and that I am as ready to join with you in all the Ways and Means that may establish a firm Security of the Protestant Religion, as your own Hearts can wish: And this not only during my Time, of which I am sure you have no fear, but in future Ages, even to the End of the World. And therefore I am come to assure you, that whatsoever Bills you shall present, to be pass'd into Laws, to make you safe in the Reign of my Successor, (so they tend not to impeach the Right of Succession, nor the Descent of the Crown in the true Line; and so as they retain not my Power, nor the just Rights of any Protestant Successor)

The King's
Speech to both
Houses.

shall

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‘ shall find from me a ready Concurrence. And I desire
‘ you withal, to think of some more effectual Means for the
‘ Conviction of popish Recusants, and to expedite your
‘ Councils as fast as you can, that the World may see our
‘ Unanimity; and that I may have an Opportunity of shew-
‘ ing you how ready I am to do any thing, that may give
‘ Comfort and Satisfaction to such dutiful and loyal Subjects.’

In the Afternoon, the House of Commons went to the Banqueting-House at Whitehall, and, by their Speaker, returned his Majesty their humble and hearty Thanks, for his most gracious Speech this Day made to both Houses of Parliament. To which his Majesty was pleased to give this Answer:

‘ Gentlemen, It shall always be my study to preserve the
‘ Protestant Religion, and to advance and support the In-
‘ terest of my People.’

The same Day Mr. Secretary Williamson acquainted the House, That his Majesty had comply’d with their Request for a particular Prayer for the Cities of London and Westminster, relating to the Plot.

The 10th, being Sunday, The House Resolv’d, that another Address be presented to his Majesty, relating to the said Prayer, there being no mention made in it, of the Papists who are the Contrivers of this damnable and hellish Plot, and humbly to desire his Majesty to give effectual Orders that his Commons be obey’d.

The 11th, A Complaint having been made the 9th before, That the Commissions for taking the Oaths of Allegiance and Supremacy are not issued forth, pursuant, to his Majesty’s Proclamation: And a Committee having been appointed to draw up Reasons to be offer’d at a Conference with the Lords thereon, Mr. Powle deliver’d in the Report of the said Committee, as follows.

Mr. Powle’s
Report touch-
ing the Neglect
in issuing out
Commissions
for Administer-
ing the Oaths
of Allegiance
and Supremacy.

Upon the Examination of the Clerk of the Crown, touching the Neglect in issuing out Commissions to the Justices of the Peace, pursuant to his Majesty’s Royal Proclamation, and the Address of both Houses for Administering the Oaths of Allegiance and Supremacy to Popish Recusants, and Persons suspected so to be; and the Clerk of the Crown having inform’d the House of Commons, that a Draught of such Commissions was prepar’d by the Attorney-General, and engross’d by the said Clerk of the Crown, and by him tender’d last Thursday Morning to be seal’d by the Lord-Chancellor: And that, nevertheless, the said Commissions, neither then, nor at any Time since, to the Time of his Examination on Saturday the 9th, at 5 o’ Clock in the Afternoon, were, or have been seal’d. And the House of Commons being very
sensible

sensible of the great Danger that may ensue to his Majesty and these Kingdoms by such Delay, and his Lordship being a Member of your House, thought fit to represent it to your Lordships; desiring that your Lordships will speedily enquire into the Reason of this great Neglect and Contempt of his Majesty's said Proclamation, and do therein; as to Justice shall appertain.

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1678.

A Conference being then demanded by the Commons, and granted by the Lords, Mr. Powle, at his Return deliver'd the Substance of it in the following Words:

His Report of
a Conference
with the Lords
thereupon.

We have attended the Lords at the Conference, which was manag'd by the Lord-Chancellor. He deliver'd all by word of Mouth, without the help of any Paper; and therefore I must crave pardon, if what I report be not exactly according to his Words, tho' I hope I shall not omit any material Passage.

He began with telling us that the Lords were very well pleas'd with the Representation made to them by the Commons, about the Neglect in issuing out the Commissions for taking the Oaths of Allegiance and Supremacy. That it was a Zeal well-becoming the House of Commons, not to suffer it to be defeated by any Person whatever.

That there was no time yet lost in this Business; for, had the Commissions been seal'd, it would have been hard to find out the Persons to whom the Oaths were to be applied; and that the Constables were still employ'd about that Work, and had not yet made their Returns.

That, nevertheless, the Lords thought it not enough to shew the Commons that there was no Negligence; but, that, on the contrary, all Diligence had been used in the expediting these Commissions: And that, therefore, their Lordships had commanded him to acquaint us with the whole Progress of those Commissions.

That it was true the Commissions had been drawn and perus'd by the Attorney-General, and brought to the Seals and not sealed, as the Clerk of the Crown had inform'd us; but that it was great pity that the Clerk of the Crown was not then in Court, that he might have acquainted us with the whole truth of what pass'd at that time, as well as with that part of the truth he had acquainted us withal.

That it had been debated in the House of Peers the day before, what Regulations and Limits should be insert'd in the Commissions; for that their Lordships conceiv'd it hard, that Persons aged, infirm, and not able to go out of town with safety of their Lives, should not be excepted from taking the Oaths; and this they thought was a Severity beyond the Intention of the Commons.

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1678.

Their Lordships likewise observ'd, that there was a pridential Power reserv'd in six Privy Counsellors, whereof the Lord-Chancellor, Lord Treasurer or Principal Secretary of State to be one, to grant Licences. And they thought it reasonable, that the Persons so licens'd should be excepted; else, the Hardship would be greater on those that staid than those that went.

Their Lordships likewise thought that the Peers of this Realm, who are excepted by Law from taking the Oaths of Supremacy, were fit to be excepted out of this Commission: As also, that foreign Merchants and Aliens, being no Subjects, were not within the Law, and could not be thought dangerous; because they were such as did frequent the Exchange, and of whom my Lord-Mayor might have an account, and deliver a List of them to the Council-Table.

That the Lords thought it fit that these Exceptions should be inserted into the said Commissions, that the Justices of the Peace might see whom not to trouble; and thereupon their Lordships gave him directions to make such Exceptions; that the Attorney-General, sitting in Court when the Commissions were brought the next day to be seal'd, advis'd the Officer who had the Seal to hold his hand: Whereupon the Officer stepping to him, asked him, what he should do? And he told him they must be alter'd.

That this Morning he had acquainted the Lords what just causes he had to complain of the great Difficulty that lay upon him, either by not obeying their Lordships, or disobeying the whole Kingdom.

That he had brought before them Commissions for six Counties, which comprehended all within ten Miles of London, to which the Proclamation did extend: And he produc'd before them two Forms of Commissions, one a general Form extending to all, the other a particular Form with all the aforesaid Exceptions; desiring their Resolutions in which of the said Forms their Lordships would have the said Commissions pass'd.

That the Lords, tho' they thought the Exceptions most reasonable, yet their Lordships consider'd that because those Commissions had issued upon an Address of both Houses, and that, therefore, to make Explanations by themselves, which had not been communicated to the Commons, might not agree with the good Correspondence which their Lordships should always endeavour to maintain between both Houses; their Lordships gave him Directions to pass the Commissions in the general Form, let the Hardship light where it would, and gave him leave to withdraw presently to seal the Commissions; which accordingly were all sealed.

He

He concluded with saying, ' And now, Gentlemen, you have your full satisfaction.' Anno 30 Car. II.
1678.

The Business of this Day ended with a Resolution, that a Message should be sent to the Lords to remind them of the Bill for the disabling Papists from sitting in either House of Parliament.

The 12th, the House resolved, ' That, there being an Accusation of High-Treason against Sir William Godolphin, his Majesty's Ambassador in Spain, an humble Address be presented to his Majesty, to desire him to call home Sir William Godolphin, to answer the Accusation.' To which his Majesty was pleased to answer, ' That he had already ordered his Letters of Revocation; and that he had a Person in his eye, who he designed should succeed him in that Service.' And on the same day the Commons presented another Address to his Majesty, praying, That a special Commission may be issued forth, for tendering the Oaths of Allegiance and Supremacy to all the Servants of his Majesty and Royal Highness; and to all other Persons (except his Majesty's Portugal Servants) residing within the Palaces of Whitehall, St. James's and Somerset-house, and all other his Majesty's Houses; and that there may be likewise special Commissions issued forth, for tendering the said Oaths to all Persons residing within the two Serjeants Inns, all the Inns of Court, and Inns of Chancery.' To which his Majesty return'd an Answer in Writing two days after:

An Address for tendering the Oaths of Allegiance and Supremacy to his Majesty's Servants.

' That as to all his Majesty's own Servants, all the Servants of his Royal Highness, all other Persons residing in Whitehall, St. James's, Somerset-house, or any other of his Majesty's Houses, except the menial Servants of the Queen and Dutchess; as also all Persons within either of the Serjeants Inns, or any of the Inns of Court, or Chancery, his Majesty grants it. But as to the Queen's menial Servants, who are so very inconsiderable in their number, and within the Articles of Marriage, his Majesty does not think it fit. And his Majesty cannot but take notice, that in a late Address from the House of Peers, the menial Servants of the Queen and Dutchess are excepted; and his Majesty hopes that this House will proceed with the same Moderation as to that particular.'

The King's Answer.

This Answer not being thought satisfactory, on the 15th the House proceeded to another Address, in which they humbly advise his Majesty, and renew their Desires, that the Persons excepted in his Majesty's Message may be comprehended in the same Commission; for which they do, in all Duty, lay before his Majesty the Reasons following.

I. For the quieting of the Minds of your Majesty's good Protestant Subjects, who have more than ordinary care and effect.

Another Address to the same effect.

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solicitude for the Safety of your Majesty's Person, by reason of the notorious Conspiracy of the Popish Party at this time, even against the Life of your sacred Majesty.

2. By your Majesty's Proclamation, set forth upon the Address of both Houses, for banishing Popish Recusants ten Miles from London, there is no such restriction.

3. The Discouragement it would be to this Kingdom, to see so great a neglect; and the occasions that Papists would take to say from thence, that all our Fears were groundless.

4. It is too great a countenance to the dangerous Factions which are already come to that height, that it renders all manner of Discouragement on that side necessary.

5. It is against the Laws and Statutes of the Realm; which, as they are preserved and maintained by your Majesty's Authority, so we assure ourselves, you will not suffer them to be thus violated by your Family and Royal Presence, upon the account of Popish Recusants.

Secretary Williamson sent to the Tower.

On the 18th, the Commons being informed, that there were several Commissions to Popish Recusants, and Warrants also that they should be mustered, notwithstanding they had not taken the Oaths, and subscribed the Declaration, according to the Act of Parliament, and that they were counter-signed by Sir Joseph Williamson, Secretary of State: The Notice of this raised such a Heat in the House, that they immediately sent Sir Joseph, as a Member of their House, to the Tower. This much offended the King, who the next Day sent for the House of Commons to attend him in the Banqueting-House in Whitehall, where, in a Speech to them he told them plainly, 'That tho' they had committed his 'Servant without acquainting him; yet he intended to deal 'more freely with them, and acquaint them with his 'Intentions, to release his Secretary: which accordingly he did that very day.

The King releases him.

Upon which immediately, the same day, the Commons drew up an Address to his Majesty, to present to him these Reasons of their Proceedings, in the Commitment of Sir Joseph Williamson, as a Member of their House, viz.

An Address to the King that he might not be discharged.

1. That divers Commissions were granted to Popish Officers, and counter-signed by the said Sir Joseph Williamson, and delivered out in October last, since the Meeting of this House, and the Discovery of the present Popish Conspiracy.
2. Divers Warrants have also been produced before us, of Dispensations, contrary to Law, for Popish Officers to continue in their Commands, and to be passed in Muster, notwithstanding they have not taken the Oaths of Allegiance and Supremacy, and received the blessed Sacrament of the Lord's Supper, according to the Act of Parliament in that behalf:

behalf: All which said Warrants were likewise countersigned by the said Sir Joseph Williamson; which being complained of to us, and confessed by the said Sir Joseph Williamson, we your Majesty's most dutiful Subjects, having the immediate Consideration before us, of the imminent Danger of your Majesty's Person, the Safety whereof is above all things most dear, and likewise the Dangers from Popish Plots, so nearly threatening the Peace and Safety of your Majesty's Government, and the Protestant Religion, were humbly of opinion, we could not discharge our Duty to your Majesty and the whole Kingdom, without the committing the said Sir Joseph Williamson; and therefore most humbly desire, That he may not be discharged by your Majesty. And we do farther most humbly desire your Majesty, to recal all Commissions granted to all Papists within the Kingdom of England and Ireland, or any other of your Majesty's Dominions and Territories.

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The 21st, the Lords sent back the Bill for disabling Papists from sitting in either House, with three Amendments, and a Proviso; which being read, the first Amendment was agreed to, but the second and third, relating to the Servants of the Queen and Dutchess of York, were rejected. On the Proviso the House divided, and it was carried in the Affirmative, Noes 150, Yeas 156. After which the House appointed a Committee to draw up Reasons to be offer'd at a Conference with the Lords, on the 2d and 3d Amendments. The same day a Fray happening in the House between Sir Jonathan Trelawney and Mr. Ash; the Question was put, whether Sir Jonathan should be expell'd? On which the House again divided, and it pass'd in the Negative, Yeas 110, Noes 130. It was then resolv'd, that he should be sent to the Tower, there to remain during the Session; of Parliament; and Mr. Ash was reprimanded in his Place by the Speaker; and both were enjoin'd to prosecute their Quarrel no farther.

The Bill for disabling Papists, &c. sent back from the Lords with Amendments.

The 22d Mr. Powle deliver'd in the Address prepared by the Committee appointed for that purpose, most humbly to desire his Majesty that he would command all the Train'd Bands to be in readiness, and that one third Part might do Duty for fourteen Days; and after they are dismiss'd, the two others: And to require them to be very vigilant in the seizing all suspicious Persons, especially such as travel with Arms, or at unseasonable times, or in unusual Numbers. And likewise to command the Sheriffs to be ready with their Posse, in case of Insurrections, &c.

Mr. Powle. An Address propos'd for raising the Militia.

It was then resolv'd, that it should be sent to the Lords for their Concurrence.

Sent to the Lords for their Concurrence.

The

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Mr. Powle's
Report of the
said Conference.

The 23d, Mr. Powle, reported from the Conference with the Lords, on the said Address, That the Lord Privy Seal manag'd the Conference, and that he acquainted them, that the Lords, upon the Perusal of the Address, appointed a Committee to consider of the Laws relating to the Militia, who reported, that upon the Inspection of the Statutes they found, that, without farther Authority, the Militia cannot be kept up above 12 Days in one Year; and thereof four Days to be for general Musters, and two, and two, and two, and two, viz. eight Days, for particular Musters. And that of these 12 Days in many Counties, the Lieutenants have already muster'd their Men some of these Days this present Year. Not but that by his Majesty's Direction, (as appears by the Statute) they may be kept up longer. But their Lordships do not find that there is any power to raise Money to pay them.

Mr. Secretary
Coventry.

Mr. Secretary Coventry then deliver'd his Majesty's Answer to the Address relating to the Commitment of Mr. Secretary Williamson, which was as follows:

‘ That he released Mr. Secretary Williamson before your Address came, as he told you in the Banqueting-House he would do. As to the Returns of granting those Commissions, his Majesty acquainted you at large with them, in his Speech, when you last attended him. But in answer to your present Address, his Majesty promises to recal all his Commissions whatsoever, given to Papists or reputed Papists, either in England or Ireland, immediately; and for his remoter Dominions, they shall likewise be recalled with all the Expedition the Safety of those Places will permit.’

Sir Edward
Deering.

Sir Edward Deering then deliver'd in the Reasons to be offer'd to the Lords in a Conference, for rejecting their Amendments to the Bill for disabling Papists from sitting in either House, which were to this effect:

Reasons to be
offer'd to the
Lords at a Con-
ference on their
Amendments
above-men-
tioned.

That both Houses having voted that the King's Person was in danger from the Popish Conspiracy, it would not only be most dangerous to his Majesty's Person, but inconsistent with such Votes, to admit Popish Recusants either to reside in the Palace or approach his Person.

That all Popish Recusants being by Proclamation at the instance of both Houses required to remove 10 Miles from London, we cannot think it advisable that any should be harboured in his Majesty's House, where the danger was more imminent than any where else.

That the Design of this Act being for a farther Security of all Popish Recusants, the Commons cannot think it reasonable to allow any of them liberty, contrary to the Law already in being; and if such a Number of the Queen's Ser-

vants,

vants, and her Royal Highness's are in general Terms excepted out of the Act, it will follow, that if any Peer, or Member of this House be so nominated by them, he will thereby be capable of sitting in Parliament without taking the Tests.

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It was then resolved, that a Conference with the Lords should be required; which being agreed to, and the Managers return'd, Sir Edward Deering gave in his Report as follows:

That the Conference was manag'd by the Lord Chancellor, who acquainted them, that the Lords had consider'd of the Reasons offer'd at the last Conference; and that they carry'd great Weight with them: And that the Lords did propose an Expedient, which was for striking the Queen wholly out of the Bill; and so have her Servants liable to the Law, in general; in which they hoped this House would concur. But if this House should not think fit to concur with this Expedient, that then their Lordships would take the Amendments and Reasons into farther Consideration. That my Lord Privy-Seal told them, that there were Precedents in the Case, but did not name any.

Sir Edward
Deering's Re-
port thereupon.

The House then resolv'd not to agree to the said Expedients, and that the Persons employ'd in the former Conference, should prepare Reasons to be offered at another.

On the 25th, having repair'd to the House of Peers, the King commanded the House to attend him there, on which Occasion he deliver'd the following Speech from the Throne.

My Lords and Gentlemen,
I Told you in the Beginning of this Session, how much I had been obliged to keep up my Forces in Flanders: That without it our Neighbours had absolutely despaired, and by this Means, whatever has been saved of Flanders, is acknowledged to be wholly due to my Interposition: And I shewed you withal, that I had been forced to employ that Money which had been raised for the disbanding those Troops, in the continuance of them together; and not only so, but that I had been much more out of Purse for that Service; a Service by which the Honour and Interest of the Nation have been so much improved, that as I am confident no Man would repine at it, so I did not doubt but you would all be willing to supply it. I have now undergone this Expence so long, that I find it absolutely impossible to support the Charge any longer; and did therefore think of putting an end to that Charge, by recalling my Troops with all possible speed, who are already exposed to the utmost Want and Misery, being without any Prospect of farther Pay or Subsistence. But whilst I

The King's
third Speech
to both Houses.

was

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1678.

‘ was about to do this, I have been importuned by the Spanish Ministers to continue them a little longer, until the Ratifications of the Peace be exchanged; without which, all that hath been hitherto saved in Flanders, will inevitably fall into the Hands of their Enemies. And now, between this Importunity to keep up those Troops; and my own Inability to pay them any longer, I find myself in great Difficulties what to resolve. If you do not think that the public Safety may require the Continuance, I do wish as heartily as any Man, that for the public Ease, they may be speedily disbanded, and paid off. I have thought fit thus to lay the Matter before you; and having acquitted myself to all the World, by asking your Advice and Assistance, I desire it may be speedy, and without any manner of Delay.’

Sir Edward
Deering's Report
concerning
the Lord's Expedient.

The same Day, Sir Edward Deering reported the Reasons to be offer'd against the Lords Expedient, which, with some Amendments made at the Table, were to the following Purpose:

‘ That it is contrary to the Custom of Parliament, to strike out any thing in a Bill, which has been fully agreed; and pass'd in both Houses.

‘ That in the Amendment propos'd to the Bill by your Lordships, to which the Commons have disagreed, the Number of the Queen's Servants to be excepted out of the Act, was limited: But by leaving the Queen's Name out of the Bill, she may have them without Number: which aggravates the Mischief, and consequently hath not the Nature of an Expedient.

‘ That one Bill for preventing Dangers from Popish Recusants, has already been found ineffectual, by reason there was no express Mention of the Queen's Servants.

‘ That the Scope of the Bill not only relates to the moving Papists out of both Houses of Parliament, but also from the Court, as appears both from the Preamble and Body of the Bill; and the Dangers his Majesty is expos'd to, may be reasonably suppos'd to be chiefly in his Court: And that the Safety of his Person, the Commons think ought to be more consider'd, than any Respect to any Person whatever.’

A Conference
resolved thereon.

And upon these Premises, it was resolved, that another Conference should be desired.

Sir Edward
Deering's Report
of the
same.

The next Day being the 25th, the said Conference was held, and of which Sir Edward Deering made the following Report:

‘ That the Lord Chancellor manag'd the Conference; and, that the Lords, having consider'd the Reasons offer'd at the

the last, propos'd a farther Expedient, with which they hoped this House would concur. Anno 50 Car. II.
1678.

That the Lords did insist upon the Amendments by them made, which related to the Queen's Portugal Servants: That they wav'd what related to the excepting a limited Number of Men-Servants to the Queen and Dutchess; and did now only except a small Number of Women-Servants, from whom no Assassination could be reasonably apprehended.

A Motion being then made, that the Words (*not exceed nine in Number at any one Time*;) should be added to the Lords Amendment, relating to the Portugal Servants; the Question was put, Whether the House should then adjourn, but pass'd in the Negative: Yeas, 71; Noes, 81.

After which, the Question being put to agree with the Lords in what related to the Dutchess of York's Women-Servants, it pass'd in the Negative: Yeas, 65; Noes, 87. And the former Managers were directed to prepare Reasons to be offer'd at another Conference with the Lords, why the House did not agree with that Part of their Amendment.

The 27th, Sir Edward Deering delivered in his Report from the said Managers as follows:

That, as their Lordships had propos'd their Addition, the Number of her Majesty's Portugal-Servants, being unlimited, might be increas'd to a Degree that might be very inconvenient.

And that as to the Amendments relating to her Royal Highness, the Commons conceive it to be an Innovation in the Law, to allow any Person except the Queen, any Family of her own separate and distinct.

The same Day, the said Reasons, together with the Bill, were left with the Lords, who presently after signify'd by Message, their Assent to the Militia-Bill; and that for disabling Papists to sit in Parliament.

The House then proceeded to the Consideration of the State of the Nation, in relation to the Army; and resolv'd, *nemine contradicente*, 'That it is necessary for the Safety of his Majesty's Person, and Preservation of the Peace of the Government, that all the Forces that have been rais'd since the 29th of September 1677, and all others that since that time have been brought over from beyond Seas from foreign Service, be forthwith disbanded: And farther in these Words resolv'd, It is the humble Opinion and Desire of the House, That the Forces which are now in Flanders, may be immediately called over, in order to their disbanding.'

The 28th, Mr. Secretary Coventry acquainted the House, that the Vote with relation to the disbanding the Army, had been presented to his Majesty; which being a Matter of

TOM I.

R R

great

An Amendment of the Lords rejected.

Sir Edward Deering's Report from the Committee on the said Amendment, to be offer'd to the Lords.

The Commons resolve to disband the Army.

Anno 30th Car. H.
1678.

An Address to
remove the
Queen from
Court,

great Moment, he would consult and advise with his House of Lords, before he would give an Answer. After which, Mr. Oates having deliver'd certain Informations to the House against the Queen, the following Address was immediately prepar'd, and order'd to the Lords for their Concurrence. ' We your Majesty's loyal and dutiful Subjects, the and Commons in Parliament assembled, having receiv'd Information, by several Witnesses, of a most desperate and traitorous Design and Conspiracy against the Life of your most Sacred Majesty, wherein, to their great Astonishment, the Queen is particularly charged, and accus'd; in discharge of our Allegiance, and out of our Affection and Care for the Preservation of your Majesty's sacred Person, and, consequently, of the whole Kingdom, do most humbly beseech your Majesty that the Queen, and all her Family, and all Papists, or reputed or suspected Papists, be forthwith remov'd from your Majesty's Court at White-hall.

The King passes
the Bill against
the Papists, but
rejects that for
raising the
Militia.

Upon the 30th, the King went to the House of Peers, and having sent for the Commons, passed the Bill *For disabling Papists from sitting in either House of Parliament.* But the *Militia Bill*, presented at the same Time, he totally rejected, alledging, ' That it was to put the Militia out of his Power, which thing he would not do, nor not for one Hour; but, if the Commons would assist him with Money for that Purpose, he would take care to raise such a Part of the Militia, as should secure the Peace of the Government, and his own Person.'

An Address re-
solv'd on the
State and Dan-
ger of the Na-
tion.

December 2. The House order'd, That an humble Address be presented to his Majesty, containing a Representation of the present State, and Dangers of this Nation, to be grounded on the following Heads, *viz.* 1. On the Misrepresentation of the Proceedings of this House.

2. On the Dangers that have and may arise from private Advices, contrary to the Advice of Parliament.

[The House divided on this Article, and it was carry'd in the Affirmative, Yeas 138. Noes 114.]

3. On the great Danger the Nation lies under from the Growth of Popery.

4. On the Danger that may arise to his Majesty and the Kingdom, by the Non-observation of the Laws, that have been made for the Preservation of the Peace and Safety of the King and Kingdom.

Mr. Secretary
Coventry deli-
vers a Message
to the House,
from the King.

The 4th, Mr. Secretary Coventry deliver'd a Message to the House in Writing, from the King, which was as follows:

Charles R.

' His Majesty, to prevent all Misunderstandings that may arise from his not passing the late Bill of the Militia, is pleas'd

pleas'd to declare, That he will readily assent to any Bill of that kind, which shall be tender'd to him, for the public Security of the Kingdom, by the Militia, so as the whole Power of calling, continuing, or not continuing of them together, during the Time limited, be left to his Majesty, to do therein as he shall find most expedient for the public Safety.

Answer to C. H.
1678.

The 5th, the House impeach'd Lord Arundel of War-dour, the Earl of Powls; Lord Viscount Stafford, Lord Petre, and Lord Belknap of Treason, and other high Crimes and Misdemeanours.

Five Popish
Lords im-
peach'd.

The 7th, Mr. Speaker signify'd to the House; that he had acquainted his Majesty, altho' it was not by Order of the House, of the Entry that was made of his Majesty's Answer to the Address concerning the calling over the Forces out of Flanders; and that his Majesty was pleas'd to declare, That he never gave Orders for such Answer: But that his Majesty's Intention was only in relation to the Forces that were in Flanders; and, that Circumstances, as to those Forces, were alter'd since that Time; and that his Majesty had already given Order for their disbanding.

The King dis-
owns a verbal
Message deliver-
ed to the House
by the said Se-
cretary.

The 16th, The House Resolv'd, That the Bill for grant-
ing a Supply to his Majesty, for Paying off, and Disbanding
the Forces, &c. should pass; and that it should be entitled,
*An Act for granting a Supply to his Majesty, of 206,462 l. 17 s. 3 d.
for the effectual Paying off, and Disbanding the Forces rais'd, or
brought over from foreign Parts, into this Kingdom since Septem-
ber 29, 1677.*

A Supply grant-
ed for disbanding
the Army.

The 19th, Mr. Chancellor of the Exchequer (Sir John Ernley) acquainted the House, that he was commanded by his Majesty to inform the House that his Majesty having receiv'd Information that his late Ambassador in France, Mr. Montagu, a Member of this House, had held several private Conferences with the Pope's Nuncio there, without any Direction or In-
struction from his Majesty, to the end he might know the Truth of that Matter, he had given Order for the seizing Mr. Mon-
tagu's Papers.

A Message
from the King,
to inform the
House, that he
had ordered
Mr. Montagu's
Papers to be
seiz'd.

Upon which the House resolv'd, That no Judgment could be made, either in relation to their Member, or Privilege of the House, which may be in a great measure invaded, unless his Majesty will be graciously pleas'd to let this House know, whether the Information against Mr. Montagu was given upon Oath, or of what Nature the Offence was, that was thus complain'd of.

Their Resolu-
tion thereon.

A Committee was then appointed, instantly to wait upon the King with this Vote, who, upon their Return, inform'd the House, That they had been so wait upon his Majesty, according

Transmitted to
the King.

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1678.

Mr. Montagu
offers the
House certain
Papers of Con-
sequence.
Which are sent
for.

according to Order, who had sent them Word out of the House of Lords, that he was at that Time very busy, and that his Majesty had rather they would attend him at White-hall, when the House was up.

Mr. Montagu, then, took this Opportunity to acquaint the House, that he had in his Custody several Papers, which he conceiv'd might tend very much to the Safety of his Majesty's Person, and the Preservation of the Kingdom. This produc'd an Order of the House, That certain Members should be dispatch'd to bring them before the House; which was presently done, and Mr. Montagu himself was order'd to open the Box, and select such, as he thought might be for the Service of the House; and dispose of all those, which properly concern'd himself, as he thought fit. Mr. Montagu, then, presented two Letters to the House, subscrib'd Danby, the first, dated January 17, 1677; and the second, March 25. 1678. both which, were read by Mr. Speaker to the House, who took great Exceptions to the following Passages.

And read.

From the First, 'Yesterday young Rouvigny came to me with Monsieur Barillon, (having given me his Father's Letters the Day before) and discoursed much upon the Confidence the French King hath of the Firmness of our's to him; of the good Opinion his Master hath of me; of his King's Resolution to condescend to any thing that is not infamous to him, for the Satisfaction of our King; how certainly our King may depend upon all Assistances and Supplies from his Master, in case the Friendship be preserved.—The main of their Drift was, to engage me to prevail with the Prince of Orange, as to the Town of Tournay.—The King must come to some Declaration of his Mind to the Parliament when it meets. That which makes the Hopes of Peace less probable, is, that the Duke grows every day less inclined to it, and has created a greater Indifferency in the King than I could have imagined; which added to the French King's Resolutions, not to part with Tournay, does, I confess, make me despair of any Accommodation: Nevertheless, I am assured, that one principal Cause of this Adjournment for thirteen Days, has been to see if any Expedient for the Peace could have been found in that Time; and the Effect of the Adjournment hath hitherto been, that no body will now believe other than that the Peace is already concluded between us and France.'

From the Second: 'In case the Conditions of the Peace shall be accepted, the King expects to have six Millions of Livres a Year, for three Years, from the Time that this Agreement shall be signed betwixt his Majesty and the King of France; because it will probably be two or three Years before

before the Parliament will be in the Humour to give him any Supplies, after the making any Peace with France; and the Ambassador here has always agreed to that Sum, but not for so long a Time. If you find the Peace will not be accepted, you are not to mention the Money at all; and all possible Care must be taken to have this whole Negotiation as private as is possible, for fear of giving Offence at home; where, for the most part, we hear, in ten Days after, of any thing that is communicated to the French Minister.

Annals Cat. II.
1678.

At the bottom of this Letter are these Words: THIS
LETTER IS WRIT BY MY ORDER. C. R.

Upon reading of these Letters, the House was all in a Flame, which was no ways allayed by the King's own Hand that appeared at the bottom; and it being propounded, That there was sufficient Matter of Impeachment, the House divided on the previous Question, which was carry'd in the Affirmative, Yeas 179, Noes 116. A Committee was immediately appointed to draw up Articles, of which Mr. Montagu was one; and a Resolution pass'd, That the Speaker should not at any time adjourn the House, without first putting the Question, if insisted on.

An Impeachment voted against Lord Danby.

The 20th, Mr. Speaker inform'd the House, That he had receiv'd a Letter from the Lord-Treasurer (Danby) inclosing two, others written by Mr. Montagu, while Ambassador at Paris, which he conceived to be for the Service of the House. The said three Letters were * READ, and then the House adjourn'd,

* The contrary of this is affirm'd by Mr. Echard: But thus it stands in the Journals.

The first was dated Paris, January 11, 1677-8, in which were these Words; 'I give you the best Light I can into the Reason of Monsieur Rouvigny's Son's Journey into England, who will be there, perhaps, as soon as this Letter. If his Father's Age would have permitted it, I believe they would have sent him; for they have chosen the Son, who is to make use of Lights his Father will give him; and by the nearer relation he has to my Lady Vaughan, who is his Cousin-german, and the particular Friendship which Father and Son have with Mr. William Russell, he is to be introduced into a great Commerce with the male-contented Members of Parliament, and insinuate what they shall think fit, to cross your measures at Court, if they shall prove disagreeable to them here, whilst Monsieur Barrillon goes on in his smooth, civil Way.

The second Letter, dated Paris, January 18, 1677-8. has these Words, after speaking of young Rouvigny's Journey: His chief Errand is to let the King know, 'That the King of France did hope he was so firm to him, as not to be led away by the grand Treasurer [Danby] who was an ambitious Man, and, to keep himself with the People, would gratify their Inclinations, by leading his Master into an unreasonable War against France. That as for Money, if he wanted that, he should have what he would from hence, His Instructions are, if this does not take, by the

means

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1678.

Certain Amend-
ments, added
by the Lords to
the Bill of Sup-
ply, rejected.

Articles of Im-
peachment
against the Earl
of Danby,

The 21st, The Lords sent down the Bill for raising l. 206,462. 17. 3. for the Payment, and Disbanding of the Forces, &c. with several Amendments, which were read, and the greatest Part rejected: And a Committee was appointed to prepare Reasons to be offer'd at a Conference.

The same day the Articles of Impeachment against the Earl of Danby were read, and are as follow:

I. That he hath traitorously engross'd to himself regal Power, by creating in Matters of Peace and War with foreign Princes and Ambassadors, and giving Instructions to his Majesty's Ambassadors abroad, without communicating the same to the Secretaries of State, and the rest of his Majesty's Council, &c.

II. That he hath traitorously endeavoured to subvert the ancient and well-established Form of Government; and, instead thereof, to introduce an arbitrary and tyrannical Way of Government; and, the better to effect this his Purpose, he did design the raising of an Army, under pretence of a War against the French King, and then to continue the same, as a Standing-Army within this Kingdom: And an Army being so raised, and no War ensuing, an Act being passed to pay and disband the same, he did continue the Army contrary to the said Act, and misapplied the Money to the Continuance thereof, and wilfully neglected to take Security of the Pay-Masters of the Army, as the said Act required, whereby the said Law is eluded, and the Army is, yet, continued, to the great Danger, and unnecessary Charge of his Majesty, and the whole Kingdom, &c.

III. That he, traitorously intending and designing to alienate the Hearts and Affections of his Majesty's good Subjects, from his Royal Person and Government, and to hinder the Meetings of Parliaments, and to deprive his Majesty of their safe and wholesome Counsel, did propose and negotiate a Peace for the French King, upon Terms disadvantageous to the Interest of his Majesty, and his Kingdoms; for the doing whereof, he endeavoured to procure a great Sum of Money from the French King, for enabling him to maintain and carry on his said traitorous Designs and Purposes.

IV.

means of William Ruffel, and other discontented People, to give a great deal of Money, and cross all your Measures as Court.—Old Ruffel, who values himself for knowing of England, has given it them for a Motion. That they must diminish your Credit, before they can do any good; but since their chief Quarrel to you is, the being so just to your Master's Interest, I am sure he is too just to let them do you any hurt. If the King is for a War, you know what to do; if he hearkens to their Money, be pleased to let me know what they offer, and I dare answer to get our Master as much again; for Barillon's Orders are to make the Market as low as he can.

IV. That he is popishly affected, and hath traitorously concealed (after he had notice) the late horrid and bloody Plot and Conspiracy, contrived by the Papists against his Majesty's Person and Government; and hath suppressed the Evidence, and reproachfully discountenanced the King's Witnesses in the Discovery of it, in favour of Popery, &c.

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V. That he hath wasted the King's Treasure, by issuing out of his Majesty's Exchequer several Branches of his Revenue for unnecessary Pensions and secret Services, to the Value of 231,602 Pounds, within two Years, &c. And he hath removed two of his Majesty's Commissioners of that part of the Revenue, for refusing to consent to such his unwarrantable Actings therein, and to advance Money upon that Branch of the Revenue for private Uses.

VI. That he hath, by indirect means, procured from his Majesty to himself, divers considerable Gifts and Grants of Inheritance, of the ancient Revenue of the Crown, even contrary to Acts of Parliament.

On reading the first Article a second time, the Question was put, that the Articles be committed, which passed in the Negative, Yeas 137, Noes 179. Divisions thereon.

The House divided next on a Motion for Candles, which passed in the Affirmative, Yeas 165, Noes 115.

The House again divided on a Motion to leave out the Word traitorously in the first Article, which passed in the Negative, Noes 179, Yeas 141.

On a Resolution that Lord Danby should be impeach'd on the above-recited Articles, a Motion was made to adjourn, but over-ruled, Yeas 142, Noes 170.

The last Division during this grand Debate, was on a Motion whether the said Lord should be impeach'd on the 4th Article, and it was carried in the Affirmative, Yeas 143, Noes 119.

The 23d, Mr. Chancellor of the Exchequer presented several Letters (afterwards READ) to the House, by Order of his Majesty, in answer to their Address, to know whether the Information against Mr Montagu was taken upon Oath, and of what nature the Offence was, that was complained of. Several Letters laid before the House by the King's Order, relating to Mr. Montagu.

The same day Mr. Powle deliver'd in his Report from the Committee appointed to prepare Reasons to be offer'd to the Lords at a Conference why the House did not agree to the Amendments made by them to the Bill, for granting a Supply, &c. which, in Substance, was as follows:

That the Appointment of Receiver-General by his Majesty, being made by their Lordships in reference to the Payment of the Money into the Exchequer; the Commons disagreeing

Mr. Powle's Report of Reasons for rejecting the Lords Amendments to the Bill of Supply.

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1678.

disagreeing with their Lordships in that Amendment, the Reasons of that Appointment cease.

That if the nominating a Receiver-General should be delay'd, the whole Business of disbanding would be delay'd or disappointed likewise.

That the Commons granted a Sum of Money for disbanding the Army last Year, and intrusted it to the Exchequer; but that the said Sum was employ'd for the Continuance of the Army, without disbanding one Man; and that they cannot think it safe to trust the Exchequer again, while manag'd by the same Persons.

That the Commons have directed the Payment of the Money into the Chamber of London, for its Security; and that their Lordships never before chang'd any such Disposition made on a Supply granted by the Commons.

That the Commons do not conceive certain Words added by the Lords to be necessary.

That in naming Colonel Birch, their Lordships have omitted his Title of Colonel.

That the Commons, thinking it necessary for the Peace and Safety of the Kingdom, that the Army should be immediately disbanded, to prevent all Evasions, have enumerated all ways hitherto used for that purpose, that they might be declar'd to be within the Penalties of the present Act.

That it being essential that the Soldiers should disperse as soon as they are disbanded, the Commons do not think the Penalty of Felony too great in case of Disobedience.

That the Commons think fit to continue the Preamble to the Clause of Indemnity, because it contains the Reasons for inserting that Clause in the Bill.

[Here follow'd two other Reasons relating to the Addition of the Word such, which being unintelligible, without the Amendments themselves, are left out.]

That this being an Act for the more effectual disbanding of the Army, the Commons did limit the Indemnity to the Officers and Soldiers, being the Persons that were to be disbanded; that, thereby, they might be encourag'd to disperse, when they were satisfy'd they might return home with safety: And the Commons not thinking it necessary or convenient to extend it any farther.

That the Commons do not think fit to extend the Indemnity to any Person enlisted, or mustered, since November 1; because they see no occasion why any such Person should be taken into the Army, unless it were to increase the Charge, or for some ill purpose.

The same day Sir Henry Capel attended the Lords, with the Articles of Impeachment against the Lord-Treasurer.

Sir Henry Capel.

The

The 28th; what passed between the Lords and Commons at a Conference on the Amendments added by the First on the Bill for a Supply, was reported to this purpose by Mr. Powle.

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That the Conference was manag'd by the Lord Privy-Seal, who declar'd it was principally desir'd with regard to three Points, *viz.* That of the Receiver-General; That of the Place for lodging the Money; and, That for indemnifying for the Breach of the former Act, and the Penalty for offending against this.

Mr. Powle's
Report of the
Conference, on
rejecting the
Amendments,
&c.

1. That their Lordships insist on their Amendment with regard to the Appointment of a Receiver-General; because the Money is to be paid into the Exchequer.

2. That the most expeditious way to nominate a Receiver-General, is to leave it to his Majesty; who, having the highest Trust, is most concern'd, that the Army should be speedily and effectually disbanded.

3. That we conceive it tends more to Certainty and Expedition, to leave his Majesty to make use of such Officers as are now in being, than to seek new.

The Reasons of our insisting to have the Money paid into the Exchequer, are,

1. Because the Exchequer is an ancient Court, established both by common Law and Statute for all Receipts of his Majesty's Money, and managing Matters relating to the Revenue.

2. That finding it inconvenient and grievous to the Subject, that his Majesty's Revenues of all sorts should not be paid into the Exchequer, divers Laws have been made to enforce the Payment of all Money there.

3. That in case of Injuries to the Subject, this Act provides no Redress, in case the Money should be paid into the Chamber of London: Whereas, by Law, every Subject injur'd in his Payment, is to have Remedy before the Barons.

4. That their Lordships cannot suspect that any Person employ'd in disbanding the Army would mis-employ the Money which is appropriated for that purpose, under such severe Penalties, and to be dispos'd of by Commissioners appointed by the House of Commons.

5. That the Act provides no Security for the Money, if lodg'd in the Chamber of London; nor any Remedy against the Chamberlain, in case of Breach of Trust.

6. That the not disbanding the Army last Year, according to the Bill for that end, was not owing to any Fault in the Exchequer, but the Necessity of Affairs; as his Majesty signified to both Houses at the Opening of the Session.

7. The Army was continued, which occasioned the Clause of Indemnity to all those that have since continued in Arms;

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and this is not only a reason for our Amendments, but an Answer to the first Reason of the House of Commons upon this Point.

8. That their Lordships cannot charge their Memories with not having alter'd any such Disposition made in a Supply. But that, nevertheless, their Lordships do herein but claim the Exercise of their Right, to make Alterations according to their Judgments.

The 9th Article being unintelligible, is omitted.

To the Reasons concerning Colonel Birch, the Lords agree.

The Lords insist upon their Amendments, against the following Reasons offer'd by the Commons: Because they conceive the effectual disbanding the Army is secur'd, as they have amended the Bill. As the Commons sent it up, it would have invaded the King's declar'd Power, to have rais'd or employ'd the Army on any other Emergency; it would have disabled him from filling up the Guards and standing Troops, and furnishing the Islands out of the Forces so disbanded; which is likewise a main reason why the Lords could not consent to make the Penalty of Felony so extensive, as to reach any so employ'd.

And we do insist on leaving out the Preamble to the Clause of Indemnity, because of the Necessity there was for the Army's Continuance; and for the same reason we insist on the Word *such*, &c.

That, concerning the Indemnity being limited by the Commons to Officers and Soldiers, the Lords thought fit to enlarge it to all other Persons; and being a Work of Mercy, and no Officer impeach'd or question'd for Breach of the former Act; and for the same reason they insisted on their two last Amendments.

Dissatisfactory
to the Com-
mons.

The Question was then put, to agree to these Amendments, and passed in the Negative without a Division: After which other Reasons were appointed to be drawn up, and another Conference was desired. But, on the 30th, the King commanded their Attendance in the House of Peers; where, he put an end to the Session, with a Speech to the following effect.

The King's
Speech at pro-
roguing the Par-
liament.

‘ **T**HAT it was with great unwillingness that he came to tell them, that he intended to prorogue them; that all of them were Witnesses he had not been well used, the Particulars of which he would acquaint them with at a more seasonable time. In the mean time he would immediately enter upon the disbanding the Army, and do what good he could for the Kingdom, and Safety of Religion; and that he would prosecute the Discovery
‘ of

of the Popish Plot, to find out the Instruments of it, and to take all the Care that was in his power to secure the Protestant Religion, as it was now by Law established. And accordingly his Majesty was pleased to prorogue the Parliament till the 4th Day of February next. And thus ended the Eighteenth and last Session of the Second and long Parliament, after it had continued the Space of two Months and nine Days.

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On the 24th of January, his Majesty issu'd out a Proclamation; in which he declared,

That he had taken into his serious Consideration, the many Inconveniencies arising by the over-long Continuance of one and the same Parliament; wherefore he publishes and declares his Royal Will and Pleasure to dissolve this present Parliament. But to the Intent his Majesty's loyal Subjects may perceive the Confidence his Majesty hath in their good Affections, and how willing and desirous his Majesty is to meet his People, and have their Advice by their Representatives in Parliament, he will cause Writs in due Form of Law, to be forthwith issued for the calling of a new Parliament, which shall begin and be holden at Westminster, on Thursday the sixth Day of March next; when his Majesty doth expect such Laws will be enacted, and such Order taken, by the Consent and Advice of his Parliament, as will tend to the securing the true Protestant Religion, and the peaceable and happy Government of this his Kingdom.

A Proclamation, to dissolve the Parliament.

On Thursday the 6th of March, the Parliament met; The third Parliament. 1678-9. to both Houses:

My Lords and Gentlemen,

I Meet you here with the most earnest Desire that Man can have, to unite the Minds of all my Subjects, both to me, and to one another: And I resolve it shall be your Faults, if the Success be not suitable to my Desires. I have done many great Things already in order to that end, as the Exclusion of the Popish Lords from their Seats in Parliament; the Execution of several Men, both upon the score of the Plot, and the Murder of Sir Edmund-bury Godfrey; and it is apparent, that I have not been idle in prosecuting the Discovery of both, as much farther as hath been possible in so short a Time. I have disbanded as much of the Army as I could get Money to do; and I am ready to disband the rest so soon as you shall reimburse me the Money they have cost me, and will enable me to pay off the Remainder: And above all, I have commanded my Brother to absent himself from

The King's Speech to both Houses.

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me, because I would not leave malicious Men room to say, I had not removed all Causes which could be pretended to influence me towards Popish Counsels.

Besides that end of Union which I aim at (and which I could wish could be extended to Protestants abroad as well as at home) I propose by this last great Step I have made, to discern whether the Protestant Religion, and the Peace of the Kingdom be as truly intended by others, as they are really aimed at by me: For, if they be, you will employ your Time upon the great Concerns of the Nation, and not be drawn to promote private Animosities, under the Pretences of the Public: Your Proceedings will be calm and peaceable, in order to those good Ends I have recommended to you; and you will curb the Motions of any unruly Spirits, which would endeavour to disturb them.

I hope there will be none such among you, because there can be no Man that must not see, how fatal Differences amongst ourselves are like to be at this Time, both at home and abroad. I shall not cease my Endeavours, daily to find out what more I can, both of the Plot, and the Murder of Sir Edmund-bury Godfrey, and shall desire the Assistance of both my Houses in the Work. I have not been wanting in giving Orders for putting all the present Laws in Execution against Papiſts; and I am ready to join in the making such farther Laws, as may be necessary for securing the Kingdom against Popery.

I must desire your Assistance also in the Supplies, both for disbanding the Army, as I have already told you, and for paying that part of the Fleet, which hath been provided for by Parliament but till the fifth of June last; as also that Debt for Stores, which was occasioned by the Poll-Bill's falling short of that Sum; which that Act gave Credit for. I must necessarily recommend to you likewise; the discharging of those Anticipations which are upon my Revenue, and which I have commanded to be laid before you; and I hope I shall have just cause to desire such an Increase of the Revenue itself, as might make it equal to my necessary Expences; but by reason of those other Supplies, which are absolutely necessary at this Time, I am contented to struggle with that Difficulty a while longer; expecting for the present only, to have those additional Duties upon Customs and Excise to be prolonged to me; and that you will some other way make up the Loss I sustain by the Prohibition of French Wines and Brandy, which turns only to my Prejudice, and to the great Advantage of the French. I must needs put you in mind how necessary it will be to have a good Strength at Sea, next Summer, since our Neighbours are making naval

Prepa-

Preparations: and notwithstanding the great Difficulties I labour under, I have taken such Care as will prevent any Danger that can threaten us, if your Parts be performed in time. And I do heartily recommend to you, that such a constant Establishment might be made for the Navy, as might make the Kingdom not only safe, but formidable; which can never be, whilst there remains not enough besides, to pay the necessary Charges of the Crown.

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1678-9.

I will conclude as I begun, with my earnest Desires to have this a HEALING PARLIAMENT; and I do give you this Assurance that I will with my Life defend both the Protestant Religion, and the Laws of this Kingdom, and I do expect from you to be defended from the Calumny, as well as the Danger of those worst of Men, who endeavour to render me, and my Government, odious to my People. The rest I leave to the Lord Chancellor.

Accordingly the Lord Chancellor Finch, after a handsome Introduction, proceeded thus:

The Considerations which are now to be laid before you, are as urgent and as weighty as were ever yet offered to any Parliament, or indeed ever can be; so great, and so surprising have been our Dangers at home, so formidable are the Appearances of Danger from abroad, that the most united Councils, the most sedate and calmest Temper, together with the most dutiful and zealous Affections that a Parliament can shew, are all become absolutely and indispensably necessary for our Preservation. At home, we had need look about us: For his Majesty's Royal Person hath been in danger, by a Conspiracy against his sacred Life, maliciously contrived, and industriously carried on, by those Seminary-Priests and Jesuits, and their Adherents, who think themselves under some Obligations of Conscience to effect it; and, having vowed the Subversion of the true Religion amongst us, find no way so likely to compass it, as to wound us in the Head, and to kill the Defender of the Faith. His Majesty wanted not sufficient Evidence of his Zeal for our Religion, without this Testimony from his Enemies, who were about to sacrifice him for it: But it hath ever been the Practice of those Votaries, first to murder the Fame of Princes, and then their Persons; first to slander them to their People, as if they favoured Papists, and then to assassinate them for being too zealous Protestants. And thus, by all the Ways and Means which our Law calls Treason, and their Divinity calls Merit and Martyrdom, they are trying to set up the Dominion and the Supremacy of the Pope, as if the Dignity of his triple Crown could never be sufficiently advanced, unless these

Chancellor
Finch's Speech.

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these three Kingdoms were added unto him, and all brought back again under that Yoke, which neither we, nor our Fore-fathers, were able to bear.

The Enquiry into this Conspiracy hath been closely pursued, and the Lords of the Council have been careful to prosecute the Discovery, ever since the rising of the last Parliament, and the King doth now recommend it to you to perfect. More Evidence hath been already found out, and more Malefactors discovered, some in hold, some fled; the Justices of the Peace have been quickened in the Execution of their Duty, the Negligent have been reproved and punished, the Diligent encouraged, and assisted, in doubtful Cases by the Judges; active and faithful Messengers have been sent into all the Corners of the Kingdom, where there was any hopes of Service to be done; the very Prisons have been searched, to see whether any had fled thither to hide themselves there, and, under pretence of Debt, to escape the Pursuit; and if any have desired leave to go beyond Sea, they have first given Security not to go to Rome, nor send their Children to any foreign Seminaries; and then they have been obliged to give in a List of all their menial Servants, and those Servants too have been examined upon Oath: And Order is given that they be again examined at the Ports, and make Oath they are the same Persons who were examined above: So that all possible Care hath been taken that no Malefactors might escape us in disguise. And tho' the Priests themselves do not keep the Confessions of their Penitentes more secret than these keep the Injunctions of their Priests, yet enough hath appeared to bring some capital Offenders to public Justice, and to convict them of the Crime: some of the Traitors have been executed; several Priests have been arrested and imprisoned; all are hiding themselves, and lurking in secret Corners, like the Sons of Darkness. The Murderers of Sir Edmund-bury Godfrey have been condemned and suffer'd Death: Some Papists have banished themselves out of the Kingdom, others are imprisoned for not taking the Oaths: All are prosecuted towards Conviction; and the very Shame and Reproach, which attends such abominable Practices, hath coveted so many Faces with new and strange Confusions, that it hath proved a powerful Argument for their Conversions: Nor is it to be wonder'd at, that they could no longer believe all that to be Gospel which their Priests taught them, when they saw the Way and Means of introducing it was so far from being evangelical. In a word, so universal is that Despair to which the Papists are now reduced, that they have no other Hope left but this, that we may chance to over-do our own Business; and by being too far transported with the Fears of Popery,

Popery, neglect the Opportunities we now have of making sober and lasting Provisions against it. And 'tis not to be doubted but that it would infinitely gratify the Papists in the Revenge they wish, for this Discovery, if they could see us distracted with Jealousies incurable, and distrusting the Government to such a Degree, as should weaken all that Reverence by which it stands: For then the Plot would not be altogether without Effect; but those whom they could not destroy by their Conspiracy, they should have the Satisfaction to see ruining themselves after the Discovery: So that, tho' we had escaped that Desolation which they intended to have brought upon us, nothing could save us from that Destruction which we shall bring upon ourselves. But their Expectations of this are as vain, as their other Designs were wicked: For his Majesty hath already begun to let them see with what Severity he intends to proceed against them. He hath passed a Law to disable all the Nobility and Gentry of that Faction ever to sit in Parliament; and not content with that, he did offer to the last Parliament, and does again renew the same Offer to this Parliament, to pass any farther Laws against Popery which shall be desired: So as the same extend not to the Diminution of his own Prerogative, nor alter the Descent of the Crown in the right Line, nor defeat the Succession. He hath refused the Petition of the Lords, who, during the Interval of Parliament, desired to be brought to their Trial; and, after so long an Imprisonment, might reasonably enough have expected it. But his Majesty thought it fitter to reserve them to a more public and conspicuous Trial in Parliament: For which Cause their Trial ought now to be hastned; for it is high time there should be some Period put to the Imprisonment of the Lords.

But that which the King hath been pleased to mention to you this Morning, surpasses all the rest, and is sufficient of itself alone to discharge all those Fears of Popish Influences, which many good Men had too far entertained: For now you see his Majesty, of his own accord, hath done that, which would have been very difficult for you to ask; and hath deprived himself of the Conversation of his Royal and only Brother, by commanding him to depart the Kingdom; to which Command his Royal Highness hath paid a humble and a most entire Submission and Obedience. This Separation was attended with a more than ordinary Sorrow, on both sides. But he, that, for your Sakes, could part with such a Brother, and such a Friend, you may be sure, hath now no Favourite but his People. Since therefore his Majesty hath shewn so much Readiness to concur with, and in a manner to prevent the Desires of his Parliament, it is a miserable Refuge our Enemies must trust to, when they hope to see our Zeal o

our

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our Discretion, and that we ourselves shall become the unhappy Occasion of making our own Counsels abortive. Not only the Care of the State, but the Care we ought to have of the Church too, will preserve us from Errors of this kind: For as there neither is, nor hath been these fifteen hundred Years, a purer Church than ours; so it is for the sake of this Church alone, that the State hath been so much disturbed. It is her Truth and Peace, her Decency and Order, which they labour to undermine, and pursue with so restless a Malice: And since they do so, it will be necessary for us to distinguish between Popish and other Recusants, between them that would destroy the whole Flock, and them that only wander from it. And among the many good Laws you shall think fit to provide, it may not be amiss to think of some better Remedy for regulating the Press, from whence there daily steal forth Popish Catechisms, Psalters, and Books of Controversy: And it may be another good Fruit of such Law, to hinder schismatical and seditious Libels too; for certainly it were much better for us to make such Laws as will prevent Offences, rather than such as serve only to punish the Offenders.' Then, insisting upon the Reasonableness of a Supply, from the Dangers abroad, and the Necessities at home, he proceeded thus:

' My Lords and Gentlemen, There are many Things to do, and so little Time to do them in, that there ought not to be one Minute lost. The Season of the Year is not yet so far advanced, as to make it too late to set out a Fleet this Summer; for most of the Preparations are ready, if we go about it with that Diligence which is requisite. And therefore it doth infinitely import us all to husband Time. The best Way of doing this will be, to avoid all long and tedious Consultations, which sometimes do as much harm as ill Resolutions: And, above all, to take heed to avoid such Questions and Debates as tend to raise Heat, or may create any kind of Disturbance. Nor doth any thing in the World so much contribute to Dispatch as quiet and orderly Proceedings: For they who are in haste, and attempt to do all their Business at once, most commonly hinder themselves from bringing any thing to Perfection. You have now an Opportunity of doing great Things for the King and Kingdom; and it deserves your utmost Care to make a right Use of it: For it is not in the power of a Parliament to recover a lost Opportunity, or to restore themselves again to the same Circumstances, or the same Condition, which they once had a Power to have improved. Would you secure Religion at home, and strengthen it abroad, by uniting the Interest of all the Protestants in Europe? This is the Time. Would you let the Christian World see the King in a Condition able

to protect those who shall adhere to him, or depend upon him? This is the Time. Would you extinguish all your Fears and Jealousies? Would you lay aside all private Animosities, and give them up to the Quiet and Repose of the Public? This is the Time. Would you lay the Foundation of a lasting Peace, and secure the Church and State against all the future Machinations of our Enemies? THIS IS THE TIME.

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‘ My Lords and Gentlemen, The present Face of Things, and the State wherein we now are, is so well known and understood abroad, that the whole World is in great Expectations of those Resolutions which shall be taken here: The Results of this Council seem to be decisive of the Fate of these Kingdoms for many Ages, and are like to determine us either to Happiness or Misery of a very long Duration. We use to say, and say truly, That the King, when seated in Parliament, is then in the fulness of his Majesty and Power, and shines forth with the brightest Lustre. Let no Exhalation from beneath darken or obscure it! Foreign Nations say, and say truly, that a King of England, in conjunction with his Parliament, is as great and dreadful a Prince as any in Europe: Shew them the Sight they are afraid of! And since they have laid it down for a Maxim in their Politics, That England can never be destroyed but by itself; and that it is in vain to make any Attempts upon this Nation, until they be in some great Disorder and Confusion among themselves; make the Ambitious despair betimes, and establish so perfect an Intelligence between all the Parts of this great Body, that there may be but one Heart, and one Soul among us. And let us all pray, That he who hath once more miraculously delivered the King, the Church and the State, would be pleased still to continue his divine Protection, and give us thankful and obedient Hearts. And when we have offered up those Hearts to God, let us, in the next place, offer them again to the King, and lay them down at the Footstool of his Throne, that so the King may see himself safe in your Councils, rich in your Affections, victorious by your Arms, and raised to such a Height by your Loyalty and Courage, that you may have the Honour of making him the greatest King, and he the Glory of making you the happiest People.

In conclusion, by the King's Commands, he ordered the House of Commons to proceed to the Choice of a Speaker, who was to be presented to the King the next Day; and being returned to their House, Colonel Birch did nominate and recommend the Right Honourable Edward Seymour, Knight of the Shire for the County of Devon, Treasurer of the Navy, one of his Majesty's most Honourable

Mr. Seymour
chosen Speaker.

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nourable Privy-Council, and Speaker of the last Parliament; being a Person acceptable to the King, and one who for his great Integrity, Ability, and long Experience in the Employment, was the fittest Person for so great a Trust. And Mr. Seymour being unanimously called upon to the Chair, was conducted thither by Sir Thomas Lee, Sir Thomas Whitmore, and divers other Members; and being there placed, he made a gratulatory Speech to the House for their great Kindness and Affection towards him, in their unanimous Choice of him: But still he desired the House that they would proceed to a new Election, 'For the long sittings of the late Parliament had so impaired his Health, that he doubted he should not be so well able to undergo the Service of the House, as would be expected from him.' But the House, not admitting of any Excuse, confirmed their Choice; upon which he desired Leave, 'That he might intercede with his Majesty, that he would be pleased to discharge him of the Duty.'

The King re-
fuses him.

But it appears, that he needed not have been so urgent; for the King and the Earl of Danby, taking this Choice to be an ill Presage, that this Parliament would begin where the last ended, were resolved not to approve of it: And as soon as he appeared to be presented, the Lord Chancellor stood up, and said, 'That if his Majesty should always accept a Person pitch'd upon by the House of Commons, then it would be no great Favour to be chosen a Speaker; and therefore his Majesty, being the best Judge of Persons and Things, thought fit to except against Mr. Seymour, as being fully qualified for other Services and Employments, without giving any Reason to the Persons chusing or the Person chosen.' And therefore he ordered them to fix upon some other Person by to-morrow Morning, to be presented to the King for his Approbation. The Commons immediately returned back to their own House, where * Sir John Ernley stood up and acquainted them, 'He had Orders from his Majesty to recommend Sir Thomas Meers to them to be their Speaker, as a Person well known in the Method and Practice of Parliaments, and a Person that he thought would be very acceptable and serviceable to them.' But the House in a great Heat cried out, No, no! and fell into a warm Debate. In which several Gentlemen spoke as follows:

Sir John Ern-
ley by the
King's Order
recommends
Sir Thomas
Meers.

Debates upon it.

Mr. Sacheve-
rel.

'It was never known that a Person should be excepted against, and no Reason at all given. It is done to gratify some particular Person; for Mr. Scymour is a Man who perform'd that Service formerly without Complaint; and as he would not consent to the Prejudice of one Hair of the Crown or Prerogative, so he will not infringe the Liberty of the People, in parting with the least of their just Rights.'

'This

* Chancellor of the Exchequer.

' This seems to be a Question of Right: For above a Hundred Years past, it has not been known that any Speaker, presented to the Kings or Queens of England, was ever excepted against, without some Reason given, or for some great Cause: And the Thing itself of presenting him to the King, is, I humbly conceive, but a bare Compliment. If we suffer this, we shall be put upon daily. Let us adjourn for the present.' Anno 21 Car. II.
1678-9.
Mr. Williams,

' There were Parliaments long before there were Speakers chosen; and afterwards, for the Ease of the House, among themselves they pitched upon a Speaker. Beside, I can prove not long since, that Parliaments have adjourned themselves *de Die in Diem*, for fourteen Days together, without any Speaker among them, and the Clerk of the House always put the Word for Adjournment. Gentlemen, all our Lives and Liberties are to be preserv'd by this House; and therefore, we are to preserve the Liberties of it.' Sir Thomas Clarges.

' If you admit this, you would admit any Thing. If Mr. Seymour be rejected from being Speaker, and no Reason given, pray who must chuse the Speaker, the King or us? It is plain, not us. I remember when Popham was chosen Speaker, he was rejected: But the Reason was given; because he had been wounded, and was sickly; and another for not being able to endure, by reason of Disability of Body: But nothing of this can be objected against Mr. Seymour; he being an approv'd Person by his Majesty the last Parliament.' Mr. Garraway.

' I cannot forget how we address'd ourselves to his Majesty, as fearing his Person to be in danger, by reason of the Plots; but we receiv'd no Answer at all for a whole Week, from Monday to Monday, when we were immediately prorogued unexpectedly; and immediately after, dissolv'd as unexpectedly; and I suppose the same Persons who gave that Advice, gave this also. To except against a Speaker, without giving a Reason, is to do a Thing that may set us together by the Ears, and then they have their design'd End. But I shall not consent to part with the least Right that belongs to my Country, for which I am chosen a Representative.' Sir Thomas Lee.

' He that advis'd this, will readily advise more, I'll warrant you. This is only a Bone cast among us. I thought we could not have oblig'd his Majesty more, than to pitch upon a Privy-Counsellor, and one in so great Favour with his Majesty, and in several great Places and Employments under him. Beside, he was yesterday at Whitehall, after we had chose him Speaker, to acquaint his Majesty with it, and then his Majesty was very well pleas'd with the Choice; and, for the Truth of this, I appeal to Mr. Seymour himself.' Colonel Birch.

Anno 3^o Car. II. But this ill Advice is given since, by some, I fear, too near
 1678-9. the King. I shall not touch upon Prerogative. But let us
 think of Adjournment for the present.

Mr. Powls.

‘ This is an ominous Thing, to stumble at the Threshold, before we are in the House. But this ill Advice must proceed from some who are too near the King, and fearful we should agree. But I hope there is no Man here, a Representative of his Country, fearful of speaking his Mind freely, in favour of those whom he represents; nor yet afraid of being dissolv’d, if it be To-morrow, for maintaining the Right of those who chuse them to sit here for them. I will not invade Prerogative, neither will I give Consent to the Infringement of the least Liberty of my Country. But let us do nothing hastily: but consider Precedents, and adjourn ourselves till To-morrow Nine o’clock.’

The House applies to the King.

These Heats were so much the greater, because they reasonably supposed that it was all occasioned by the Earl of Danby, whose Power was not wholly at an end; and between whom and Mr. Seymour there was a particular Resentment. However, the first Thing resolv’d on the next Day, being Saturday, was, ‘ That an humble Application be made to the King, to acquaint his Majesty, that the Matter yesterday delivered by the Lord Chancellor, relating to the Speaker, is of so great Importance, that this House cannot immediately come to a Resolution therein: And therefore do humbly desire his Majesty, that he will graciously be pleas’d, to grant some farther Time for this House to take it into Consideration.’ And they ordered the Chancellor of the Dutchy, the Lord Cavendish, the Lord Russel, and Sir Henry Capel, immediately to attend his Majesty with this Vote. Being returned in a short Time, the Lord Russel acquainted the House, that they had attended his Majesty, who was sitting in Council; and that his Majesty, as soon as he was inform’d they were to wait upon him from the House, immediately came out, and received them with great Cheerfulness and Kindness: And having delivered their Message, his Majesty retired to the Council-Chamber, and coming out again, was pleas’d to return the following Answer by Word of Mouth, which they had reduced to Writing:

His Answer.

‘ Gentlemen,
 ‘ I Have consider’d of your Message, and do consent to a
 ‘ farther Time, which I appoint to be on Tuesday next,
 ‘ unless you shall find some Expedient in the mean time;
 ‘ for as I would not have my Prerogative intrenched upon,
 ‘ so I would not do any thing against the Privileges of the
 ‘ House.’

Upon

Upon the said Tuesday, they drew up this humble Representation. Anne 31 Oct. 11.
1678-9.

‘ We your Majesty’s most dutiful and loyal Subjects, the Commons in this present Parliament assembled, do with all Obedience return your Majesty most hearty Thanks for the favourable Reception, and gracious Answer your Majesty was pleased to return to our late Message; wherein your Majesty was pleased, not only to allow us longer Time, to deliberate of what was delivered to us by the Lord Chancellor, relating to the Choice of a Speaker, but likewise to express so great a Care not to infringe our Privileges. And we desire your Majesty to believe, no Subjects ever had a more tender Regard, than ourselves, to the Rights of your Majesty, and your Royal Prerogative; which we shall always acknowledge to be vested in the Crown, for the Benefit and Protection of your People. And therefore for the clearing all Doubts that may arise in your Royal Mind, upon this Occasion now before us, we crave Leave humbly to represent unto your Majesty, that it is the undoubted Right of the Commons to have the free Election of one of their Members, to be their Speaker, and to perform the Service of the House: And that the Speaker, so elected and presented according to Custom, hath, by the constant Practice of all former Ages, been continued Speaker and executed that Employment, unless such Persons have been excused for some corporal Disease, which has been alledged, either by themselves, or some others in their Behalf, in full Parliament. According to this Usage, Mr. Edward Seymour was unanimously chosen, upon the Consideration of his great Ability and Sufficiency for that Place, of which we had large Experience in the last Parliament, and was presented by us to your Majesty, as a Person we conceived would be most acceptable to your Majesty’s Royal Judgment. This being the true State of the Case, we do in all Humility lay it before your Majesty’s View; hoping that your Majesty, upon due Consideration of former Precedents, will rest satisfied with our Proceedings, and will not think fit to deprive us of so necessary a Member, by employing him in any other Service; but to give us such a gracious Answer, as your Majesty, and your Royal Predecessors have always done heretofore upon the like Occasions; that so we may, without more loss of Time, proceed to the Dispatch of those important Affairs, for which we were called hither: Wherein we doubt not but we shall so behave ourselves, as to give an ample Testimony to the whole World, of our Duty and Affection to your Majesty’s Service, and of our Care of the Peace and Prosperity of your Kingdoms.’

The Commons
Representation.

To

Anno 31 Oct. II.
1678-9.

To this Representation the King immediately gave this short Answer.

The King's
Answer.

'Gentlemen,
'All this is but loss of time; and therefore I desire you
'to go back again, and do as I have directed you.'

This giving no satisfaction to the House, the next day, March 12th, the Commons, after a warm Debate, drew up the following Address:

The Commons
Address.

Most gracious Sovereign,
'Whereas by the gracious Answer your Majesty was pleased to give to our first Message in Council, whereby your Majesty was pleased to declare a Resolution, not to infringe our just Rights and Privileges, we, your Majesty's most dutiful and loyal Commons, were encouraged to make an humble Representation to your Majesty upon the Choice of our Speaker, which on Tuesday last was presented by some of our Members: We do, with great trouble and infinite sorrow, find by the Report made to us by those Members, at their Return, that your Majesty was pleased to give us an immediate Answer to the same, without taking any farther consideration; which, we are persuaded, if your Majesty had done, what we then offered to your Majesty would so far have prevailed upon your royal Judgment, as to have given your Majesty satisfaction in the Reasonableness of our Desire; and preserved us in your Majesty's favourable Opinion of our Proceedings. And since we do humbly conceive, that the Occasion of this Question hath arisen from your Majesty's not being truly informed of the State of the Case; we humbly beseech your Majesty, to take the said Representation into your farther consideration, and give us such a gracious Answer, that we may be put in a capacity to manifest our Readiness, to enter into those Consultations, which necessarily tend to the Preservation and Welfare of your Majesty and your Kingdoms.'

Upon reading this Address to the King, he immediately gave this quick and sharp Return; 'Gentlemen, I will send you an Answer to-morrow.' Accordingly, as he had often done before upon great Difficulties, he resolved to put an end to the Dispute; and on the next Morning, being Thursday the 13th of March, he came to the House of Peers, and sending for the Commons, he immediately prorogued the Parliament till the Saturday following, after the Commons had sat without a Speaker but six Days. And thus the King found a way to gain his Point, but with very little advantage to his own Business and Affairs.

The King pro-
rogues the Par-
liament.

The second
Session.

On the appointed Day, March 15th, his Majesty came to the House of Peers in his Royal Robes, and the House of

of Commons attending, his Majesty was pleased to put both Houses in mind of what he said to them, at the Opening of the Parliament: And then the Lord Chancellor, by the King's Command, directed the Commons to return to their House, and to proceed to the Choice of a Speaker. And, being returned, the Lord Russel put the House in mind of the King's Commands, and immediately recommended William Gregory Serjeant at Law, as a Person for his great Learning and Integrity, fit for the Employment. And Mr. Serjeant Gregory being unanimously called upon to the Chair, he in a short Speech modestly excused himself, and desired of the House, that another might be nominated; but no Excuse being admitted, he was formally conducted to the Chair, by his two intimate Friends, the Lord Russel and the Lord Cavendish, and there confirmed in the Place.

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1678-9.

Serjeant Gre-
gory chosen
Speaker.

On the Monday following, he was presented by the Commons to the King, in the House of Lords, who without hesitation approved of the Choice.

The House of Commons appeared resolved, to pursue the latter Measures taken in the former Parliament, and therefore on Wednesday the 19th of March, They resolved, 'That a Committee be appointed to inspect the Journals of the last Session of the last Parliament, and to prepare and draw up a State of the Matters then depending, and undetermined, and the Progress that was made therein.'

And on the next day, they *Resolved*, That a Committee of Secrecy be appointed to take Informations, and prepare Evidence, and draw up Articles against the Lords that are impeached, and that are now in the Tower, and to take such farther Informations as shall be given, relating to the Plot and Conspiracy against his Majesty and the Government, and the Murder of Sir Edmund-bury Godfrey. And then, to be yet more particular, they immediately after *Resolved*, that a Message be sent to the Lords to put them in mind of the Impeachment of High-Treason, exhibited against Thomas Earl of Danby, in the Names of the Commons of England; and to desire that he may be committed to safe Custody: *Resolving* again, that it be referred to the Committee of Secrecy, to draw up farther Articles against him. However, the Letters produced against the Earl being written by the King's particular Command, and some private Papers being necessary for his Defence, which his Majesty would not suffer to be made public; he at last resolved to adhere to the Benefit of his Pardon, and hoping his Absence might allay the Storm, thought fit to withdraw.

A Committee of
Secrecy appoint-
ed.

A Resolution to
remind the
Lords, of the
Impeachments
against the Earl
of Danby.

And that nothing might be wanting to prosecute the Plot, the Murder, and this Nobleman, all countenance was given to the Plot-Discoverers; and on the 21st of March, Dr. Tongue

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Tongue and Mr. Oates were called before the Commons, to give in their Informations concerning the Plot, &c. and the latter gave in an Information, not only against Thomas Earl of Danby, but also against Sir John Robinson, Colonel Edward Sackville, and Captain Henry Goreing, all three Members of the House of Commons: Which raised a new Flame in that place.

Oates and Bed-
loe's Informa-
tions.

On the same day, Bedloe likewise delivered in his Information; upon which the House *Resolved*, That an humble Address be made to his Majesty, That the five hundred Pounds Reward, promised by his Proclamation, for the Discovery of the Murder of Sir Edmund-bury Godfrey, may be forthwith paid to Mr. Bedloe, who, this House is satisfied to be the first Discoverer thereof: And that his Majesty would farther be pleased to order, that the twenty Pounds Reward, for the Discovery of every Priest, may be effectually paid to the Discoverers of them.

At the same time, in another Address, they desired his Majesty, That the Care of Mr. Bedloe's Safety may be immediately recommended to his Grace the Duke of Monmouth, which was carried up by the Lord Cavendish, Sir Henry Capell, Mr. Booth, Mr. Powle, Sir Robert Carr, Sir John Ernley, and Sir William Portman.

The King gave a present Answer.

The King's
Answer.

' That he would take immediate care for the Payment of the five hundred Pounds, and the twenty Pounds they desired: That he had hitherto taken all the care he could of Mr. Bedloe, and that he knew how considerable his Evidence was, and that he would see hereafter, that he should want for nothing: And that he would be responsible for him, whilst he remained in Whitehall; but that he could not be answerable for him when he went abroad.'

Besides these, there appear'd one Mr Edmund Everard, a Scotch Gentleman, who had been four Years Prisoner in the Tower, who, as Mr. Echard phrases it, making some *old Discoveries*, was encouraged, as Oates before him, to put the whole into a formal Narrative.

The Plot voted
to be real.

Upon the whole, they came to this unanimous grand *Resolve*, something like that in the last Parliament, *viz.* ' The House doth declare, that they are fully satisfied by the Proofs they have heard, that there now is, and, for divers Years last past, hath been, a horrid and treasorable Plot and Conspiracy, contrived and carried on by those of the Popish Religion, for the murdering his Majesty's sacred Person, and for subverting the Protestant Religion, and the ancient and well-established Government of this Kingdom.' To this Vote they desired the Concurrence of the Lords, as they likewise

did to a particular Address to his Majesty for appointing a solemn Day of Humiliation; ' being deeply sensible of the sad and calamitous Condition of your Majesty's Kingdom, occasioned chiefly by impious and malicious Conspiracies of a Popish Party, who have not only plotted and intended the Destruction of your Majesty's Royal Person, but the total Subversion of the Government, and true Religion established among us.'

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1678-9.

An Address for
a Fast.

Afterwards they express themselves thus:

' That we may, by Fasting and Prayer, and with humble and penitent Hearts, seek Reconciliation with Almighty God, and implore him by his Power and Goodness, to insatiate and defeat the wicked Counsels and Imaginations of our Enemies; and continue his Mercies and the Light of his Gospel to us and our Posterities; and particularly, to bestow his abundant Blessings upon your sacred Majesty, and this present Parliament, &c.

Accordingly his Majesty commanded a general and public Fast, to be kept throughout the Kingdom on the 11th of April, beginning his Proclamation for it, as he generally did upon such an Occasion, with mentioning and alledging the Desire of the Lords and Commons in Parliament assembled.'

A general Fast
proclaimed.

During this Height of Zeal, the Commons, on March 22d, ordered a Bill to be brought in, to secure the King and Kingdom against the Danger and Growth of Popery. And being commanded, at the same time, to attend his Majesty in the House of Peers, the King spoke to them in favour of the Earl of Danby: but returning to their House, they presently *Resolved*,

' That a Message be immediately sent to the Lords, to remind their Lordships of the last Message sent them from this House, relating to Thomas Earl of Danby; and to demand that he may be forthwith sequestred from Parliament, and committed to safe Custody.'

A Message
against Lord
Danby.

Upon which extraordinary Request, the Lords desired a present Conference: But the Commons returned answer, ' That it was not agreeable to the Usage and Proceedings of Parliament, for either House to send for a Conference, without expressing the subject Matter of it.'

Upon a second Message, wherein the Earl of Danby was mentioned, they met the Lords in the Painted-Chamber, where the Duke of Monmouth spoke as follows:

' I am commanded by the Lords to acquaint you, that their Lordships, having taken into their Consideration Matters relating to the Earl of Danby, together with what his Majesty was pleased to say upon that Subject, have ordered that a Bill be brought in, by which Thomas Earl of Danby

A Conference
about him.

TOMAS I.

U u

may

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1679.

may be made for ever incapable of coming into his Majesty's Presence, and of all Offices and Employments, and of receiving any Gifts or Grants from the Crown, and of sitting in the House of Peers.

In the mean time, the Commons, hearing that the King had signed a Pardon for the Earl, appointed a Committee to repair to the several Offices, (at neither of which no Entry of it had been made) and particularly to the Lord-Chancellor, to enquire into the Manner of suing out that Pardon.

The Lord
Chancellor's
Account of
the Pardon
granted that
Lord,

Whereupon the Lord-Chancellor, (after premising, that he neither advis'd, drew, or alter'd it) informed the Committee, ' That the Pardon was passed with the utmost Privacy, at the Desire of the Earl, who gave this Reason for it, That he did not intend to make use of it, but to stand upon his Innocence, except false Witnesses should be produced against him; and then he would make use of it at the last Extremity. That he advis'd the Earl to let the Pardon pass in the regular Course; but, after consulting with the King, his Majesty declared he was resolv'd to let it pass with all privacy: And, suddenly after, the King commanded the Lord-Chancellor to bring the Seal from Whitehall, and, being there, he laid it upon the Table; thereupon his Majesty commanded the Seal to be taken out of the Bag, which his Lordship was oblig'd to submit unto, it not being in his power to hinder it; and the King wrote his Name upon the Top of the Parchment, and then directed to have it sealed: whereupon the Person that usually carried the Purse, affixed the Seal to it.' The Chancellor added, ' That, at the very Time of affixing the Seal to the Parchment, he did not look upon himself to have the Custody of the Seal.

Upon reading this Report, the House fell into a violent Heat and Debate; and of those that spoke, we must not omit Mr. Powle's severe Speech, who naming the Earl of Danby, proceeded thus:

Mr. Powle's
Speech against
him.

' The Person to whom we owe the Dangers and Fears of the French King against us: The Person to whom we owe the Threats and severe Answers to those humble Addresses we made the last Session of Parliament: The Person to whom we owe the Ruin of this Nation, and exhausting the King's Revenue: The Person to whom we owe the Expence of two hundred thousand Pounds a Year unaccounted for: The Person to whom we owe the raising of a Standing-Army, to be kept up by the Receipt of six Millions of Livres Yearly, for three Years, to enslave us and our Religion: The Person to whom we owe the late Bone that was thrown in on the Sitting of the last Parliament, to hinder the good Issue that might have come by their Proceedings; who is now laying down his Staff, and making up his Accounts in the Treasury as he pleases, to enrich

rich himself out of the Spoils of the People, and so depart.' Anno 31 Car. II. 1679. At the Conclusion of the Debate, Resolved *nem. con.* ' That a Message be sent to the Lords to demand Justice, in the Name of the Commons of England, against Thomas Earl of Danby; and that he may be immediately sequestered from Parliament, and committed to safe Custody. They likewise Resolved, That an humble Address be made to his Majesty, representing to his Majesty, the Irregularity and Illegality of the Pardon, mentioned by his Majesty to be granted to the Earl of Danby, and the dangerous Consequence of granting Pardons, to any Persons that lie under an Impeachment of the Commons of England.'

The House resolve to demand Justice against him, and declare his Pardon illegal.

Mar. 25. The Lords sent a Message to acquaint the House of Commons, ' That they had sent to apprehend Thomas Earl of Danby both to his House here in Town, and to his House at Wimbleton; and that the Gentleman-Usher of the Black Rod had returned their Lordships Answer, that he could not be found?' Whereupon the Commons resolving not to be defeated, ordered, ' That a Bill be brought in to summon Thomas Earl of Danby, to render himself to Justice by a certain Day, to be therein limited; or in default thereof, to attaint him.' Then to render him more obnoxious, Bedloe came before the House, and made a great complaint of the harsh Usage and Discouragements he had met with from the Earl, when Treasurer; setting forth upon Oath, ' That, going to him for some Money, by virtue of an Order from the Council, his Lordship took him into his Closet, and asked him, whether the Duke of Buckingham, or Lord Shaftesbury, or any of the Members of the House of Commons, had desired him to say any thing against him, and to tell him who they were, and he would well reward him; and to know if he would desist from giving Evidence against the ——— and the Lords in the Tower, &c. To which Bedloe, answered, that he had once been an ill Man, but desired to be so no more. To which the Earl replied, you may have a great Sum of Money, and live in another Country, as Geneva, Sweden, or New-England; and should have what Money he would ask to maintain him there. But He, Bedloe, refusing all such Temptations, his Lordship began to threaten him, saying, There was a Boat and a Yacht to carry him far enough from telling of Tales: And after this, the Guards were as Spies upon him, and he was very ill used, till by their Address to the King the same was remedied, and better care was taken.' And at the same time appeared Oates in the House, who declared, ' That, being one day in the Privy Garden, the Earl of Danby passing by, reflected upon him, and said, There goes one of the Saviours of England, but I hope to see him hanged within a Month.'

The Lords acquaint the Commons that Lord Danby had made his Escape.

The Commons resolve to attaint the Earl of Danby.

Bedloe's Narrative of the ill Usage he receiv'd from him.

And Oates's,

Anno 31 Car. II.
1679.

Colonel Sack-
ville expelled.

A Conference
about the Earl
of Danby.

The Bill against
him return'd by
the Lords, with
Amendments.

The Commons
Objections.

And likewise, at the same time, Oates gave his Testimony against Colonel Sackville, a Member of the House formerly mentioned, declaring that he said, That they were Sons of Whores, who said there was a Plot, and that he was a lying Rogue that said it. Whereupon the Colonel was immediately sent to the Tower, and ordered to be expelled the House, with a Petition to the King to be made incapable of bearing any Office. But in a short time, upon his Submission, he was discharged from his Imprisonment, but not restored to his Seat in the House.

On the 4th of April, there was a Conference between the two Houses, in the painted Chamber, concerning the Bill sent up against the Earl of Danby; where the Earl of Anglesey, Lord Privy Seal, delivered himself to this effect, being the chief Manager for the Peers;

‘ That the Lords chose to deliver back this Bill by Conference, rather than Message, to preserve a good Understanding, and prevent Debate and Controversy between them. The Lords observe, that the greatest Affairs of the Nation are at a stand, at a time of the greatest Danger and Difficulty, that this Kingdom ever laboured under; That the King hath always in his Reign inclined to Mercy and Clemency to all his Subjects: Therefore to a King so merciful and compassionate, the first Interruption of his Clemency they did desire should not proceed from the two Houses pressing the King to an Act of the greatest Severity; therefore they have passed the Bill with some Amendments, which he delivered to them.’

The Commons were no way satisfied with the Lords Proceedings, therefore drew up Reasons against them, to be offered in another Conference, which were as follow:

‘ The Addition of the Title does shew, that the Amendments made by your Lordships to the Bill do wholly alter the Nature of it, and from a Bill of Attainder have converted it to a Bill of Banishment, which the Commons cannot consent to for these Reasons:

1st, That Banishment is not the legal Judgment in Cases of High-Treason; and the Earl of Danby being impeached by the Commons of High-Treason, and fled from Justice, hath hereby confessed the Charge, and therefore ought to have the Judgment of High-Treason for the Punishment.

2d, That Banishment being not the Punishment the Law inflicts upon those Crimes, the Earl of Danby might make use of this Remission of his Sentence as an Argument, That either the Commons were distrustful of their Proofs against him, or else that the Crimes are not in themselves of so high a nature as Treason.

3d, That the Example of this would be an encouragement to all Persons that should be hereafter impeached by the Commons, to withdraw themselves from Justice, which they would be always ready to do, if not prevented by a Commitment upon their Impeachment, and therefore hope to obtain a more favourable Sentence in a legislative way, than your Lordships would be obliged to pass upon them in your judicial Capacity.

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Upon the reading of this Paper, they immediately resolved, that an Address be presented to his Majesty, that he would issue out his Royal Proclamation for apprehending of Thomas Earl of Danby; and to command all Ministers of Justice to use Diligence to apprehend him, and to forbid all Subjects to harbour him; and to require all Officers of the House to take care that no Person suffer him to conceal himself in any of the King's Palaces.

An Address for
a Proclamation
to apprehend
Lord Danby.

On the same day, April 8th, they had a second Conference with the Lords upon the same Case, where the Earl of Huntingdon managed for the House of Peers, and what he delivered was to this effect:

A second Conference.

' The Lords have desired this Conference with the Commons, not so much to argue and dispute, as to mitigate and reconcile: They have already observed, That the Debates of this Bill have given too long, and too great an Obstruction to public Business; and therefore they desire you to believe, that that is the reason which hath chiefly prevailed with their Lordships in a matter of this nature. And upon this ground it is, that if a way may be found to satisfy and secure the public Fears, by doing less than the Bill you have proposed, the Lords do not think it advisable to insist upon the utmost and most rigorous Satisfaction to public Justice, which might be demanded. To induce you to this Compliance, the Lords do acknowledge, that Banishment is so far from being the legal Judgment in case of High-Treason, that it is not the legal Judgment in any case whatsoever, since it can never be inflicted but by the legislative Authority: But they see no reason why the legislative Authority should always be bound to act to the utmost extent of its Power; for there may be a prudential Necessity sometimes of making Abatements; and it might be of fatal consequence, if it should not be so. And the Lords, to remove all Jealousies of the Precedents of this kind, do declare, that nothing which hath been done in the Earl of Danby's case, shall ever be drawn into Example for the time to come, and will so enter it upon their Journal. And thereupon their Lordships insist upon their Amendments so far, as to exclude all Attainders; and do promise themselves the Commons will in this Point comply with their Lordships, who do again assure

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A third and free
Conference.

fire them, That their Resolutions are grounded only upon their Tenderneſs, and the Conſideration of the Public.

This being not ſatisfactory, a third and free Conference was held two Days after, in which the Lord Privy-Seal ſaid :

‘ That the Houſe of Commons might ſee by the preſent quick free Conference, which the Lords deſired, that their Lordſhips did ſhew their willingneſs, by uſing all means poſſible, to reconcile both Houſes, and to come to ſuch an Underſtanding, as to paſs the Bill with all Expedition. He owned the Cogency of the Commons Reaſons, and therefore the Lords were content to make the Bill abſolute, without giving the Lord Danby any day to appear, and the Penalties to continue. He obſerved, that, by the paſſing of this Bill, he would not only be ruined, together with his Family, but likewiſe thoſe Acquiſitions which he got by the Marriage into a noble Family, would be loſt. And if the Houſe of Commons would have any other Penalties added to the Bill, their Lordſhips would leave it to them, provided they run not to the abſolute Deſtruction of the Lord impeached.’ He took notice, ‘ That altho’ Reaſon and Juſtice were of the Commons ſide, yet in a legiſlative Capacity, they were to conſider Circumſtances with relation to the good of the Public. That in this Affair they had gained two great Points; the firſt was, ‘ That Impeachments made by the Commons in one Parliament, continue from Seſſion to Seſſion, and Parliament to Parliament, notwithstanding Prorogations or Diſſolutions: The other Point was, That in Caſes of Impeachment upon ſpecial Matter ſhewn, if the Modeſty of the Party impeached directs him not to withdraw, the Lords admit that of right they order him to withdraw, and that afterwards he muſt be committed. But without ſpecial Matter alledged, he ſaid, he did not know how many of their Lordſhips might be picked out of the Houſe of a ſudden.’

The Earl of Shaftesbury, now in a way of Preferment in Court, declar’d :

‘ They were as willing to be rid of the Earl of Danby, as the Commons; but he let them know, That the Exprefſion which was ſent with Reaſons from the Lords the other day, namely, That the Lords would not draw into Example the Proceedings of the Earl of Danby, but would vacate them; they intended that to extend only to the Points of not withdrawing and not committing. He likewiſe declared, That the way now propoſed would be a means to have the Bill paſs; for the Commons might have other Penalties if they would, as Confiſcation of Eſtate, Loſs of Honours, &c. Therefore he deſired the Commons to conſider, that there were

were weighty Reasons, which were better understood than expressed, that proved it necessary for the good of the Public, that this Bill should speedily pass.

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The Commons replied, 'That they hoped their Lordships did not think, they took it as if they had now gained any Point; for the Points, which their Lordships mentioned as gained, were nothing but what was agreeable to the ancient Course and Methods of Parliament.'

Mr. Edward Vaughan in particular urged and reinforced Mr. Vaughan; the Reasons offered at a former Conference.

'That Reason and Justice being for the Bill as they sent it up, they could not yet doubt the Lords Concurrence.'

'They hoped that their Lordships, who are Judges for the Kingdom, and not only for themselves, will follow the Example of their Ancestors, and proceed by Rules of Law, which are to guide in passing Acts of Parliament, as well as in the ordinary Course of Judicature.'

Sir Francis Winnington urged Precedents for the like Attainder, old and new, and added these Reasons:

Sir F. Winnington.

1. For the Lords to change the Punishment, when he appears, he may say, that the Commons, agreeing to a Composition, admit their Proofs are not full for Treason.

2. Though we thirst not after Blood, and might have consented to a Bill that gave him not Advantage instead of Punishment, as this by the Amendments would do; yet, as it is, we cannot consent for that Reason.

3. The Earl punishes himself; our Bill is not rigorous, but according to the Rules of Justice against a Person impeach'd, and dares not abide his Trial.

4. Flight is odious in the eye of the Law.

5. This would shew as if different Degrees of Persons should have different Degrees of Justice. Would your Lordships so make Provision for a flying Commoner? Besides, this is not the Flight of an innocent Moses from the Egyptians, but of a wicked Cain out of the sense of his Guilt.

Mr. Powle spoke next, and said,

Mr. Powle.

'There are but two Reasons why Punishment should be mitigated.

1. When a Man seems penitent; whereas this Man affronts the Justice of King and Parliament, and lurks hereabouts, doing ill Offices, and hindring the great Affairs of the Kingdom.

2. When a Man merits Favour in his Office; but we cannot find one good thing he ever did, whilst he was in Power and Place.'

Mr. Sacheverel added,

Mr. Sacheverel.

'It is but a Bill of Summons, to keep him from perfecting his Treasons abroad, and continuing his Enmity to his Country;

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try; but, as your Lordships have made it, it is an Act of Indemnity and Safety to him; giving him leave to go to repair the little Loss he is under here, by the Favour of those beyond Sea, whom he hath served against his Country.

Mr. Vaughan.

Mr. Vaughan concluded, saying; ' That Justice should have its Course, is the prime Consideration: The Earl stops all himself, therefore he should not have benefit thereby, but ought to find that Justice will be too hard for his Evasions.'

Then they delivered the Bill again to the Lords, with their Amendments, with Expression of Hopes and Desire of their Concurrence with them, that Justice may have its course, and the great Affairs of Parliament be no longer obstructed, by spending more Time on him, who hath brought the Kingdom into so sad a Condition.

The Attainder
Bill passes
against him.

And thus they so immoveably adhered to their own Bill of Attainder, that, within two or three days time, the Lords thought fit to give way to the Heat of the Season, and passed the Bill, in which the 21st of April was appointed for the Earl's surrendering himself to trial.

The Earl sur-
renders himself.

[The Earl finding himself reduced to this Extremity, rather than risk the Mischiefs that might happen to himself, or to the King, if he should refuse to pass the Bill, on the 15th of April surrendered himself to the Usher of the Black-Rod, which was signify'd to the Commons, the next Day.]

The five Popish
Lords put in
their Answers.

The 16th, The House was inform'd by a Message from the Lords, That all the five Peers, lately committed to the Tower, had brought their Answers to the Impeachments against them; in Person, except the Lord Bellasis. Upon which a Debate arose, Whether the said Lord Bellasis, having not in Person deliver'd his Answer, was actually and legally arraign'd. And a Committee was order'd to inspect the Entries that had been made in the Lords Journals touching the Appearance and Arraignment of the five Lords, and give in their Report the next Day.

A Supply voted.

The same day, The House Resolved, That a Supply should be granted to his Majesty of 206,462 *l.* 17 *s.* 3 *d.* for the paying off, and dismissing all the Forces then in Arms, rais'd or brought over from foreign Parts, to be rais'd by six Months Tax.

And appro-
priated.

The next day, a Clause was order'd to be added to the said Resolution, to appropriate the Money to that Use only, with Penalties upon such Persons as should direct the same: And, a Motion being made, That the said Supply should be paid into the Exchequer, the House divided, and it pass'd in the Affirmative, Noes 131, Yeas 191.

The same day, the Report of the Committee, appointed to inspect the Lords Journals was deliver'd in by Mr. Hampden, in effect as follows, &c.

That

That April 8. The Lord Shaftsbury reported from the Committee of Privileges, That their Lordships were of Opinion, that the Lords now Prisoners, ought to be brought to the Bar, and kneel there, and then stand up, and hear the Articles against them read. Which was order'd by the House accordingly.

That April 9. The Lords Powis, Stafford, Petre, and Arundel of Wardour did appear at the Bar of the House, where they heard the Articles against them read, and were told, his Majesty would appoint a Lord High-Steward for their Trials.

That, then, the Lords, having put in several Requests, withdrew, and, being call'd in again, were told by the Lord-Chancellor, That the House had order'd the several Indictments brought against them by the Grand Jury, should be brought into that Court by Writ of Certiorari, that their Lordships should be allow'd Copies of the Articles against them, that till the 15th would be given them for their Answers, and farther Time, in case any new Articles were alledg'd; with Liberty to take out Copies of Records, Journals, &c.

That, then, they find notice taken, that Lord Bellasis had not appear'd at the Bar. And that Thomas Pleffington, and Robert Dent, being sworn, had attested that his Lordship was so ill of the Gout, that he could not turn in his Bed without Help: Which reasonable Excuse being allow'd, the said Thomas Pleffington, in behalf of his Lordship, desir'd a Copy of the Articles exhibited against his Lordship, with Council, &c. which Particulars were all granted.

That April 15. being appointed for the said Lords, to put in their Answers, they were order'd to be brought to the Bar of the House, for that Purpose, and that Lord Bellasis was permitted to deliver in his Answer in Writing.

The Commons, then, order'd the Answers of the said Lords, to be inspected by the Committee of Secrecy: Who were farther to consider the Methods of Proceeding upon Impeachments, and give in their Report accordingly.

The 21st, His Majesty, by Message, commanded the Commons to attend him, in the House of Peers, where he express'd himself, as follows:

' My Lords and Gentlemen,

I Thought it necessary to acquaint you what I have done this Day; which is, that I have establish'd a new Privy-Council, the constant Number of which, shall never exceed Thirty. I have made choice of, such Persons as are worthy and able to advise me; and am resolv'd in all my weighty and important Affairs, next to the Advice of my great Council in Parliament, which I shall often consult

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Mr. Hampden's Report of the Contents of the Lords Journals, relating to the five popish Lords.

The King's Speech to the Parliament, on declaring a new Privy-Council.

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‘ with, to be advis’d by this Privy-Council. I could not make so great a Change without acquainting both Houses of-Parliament: And I desire you all to apply yourselves heartily, as I shall do, to those Things which are necessary for the Good and Safety of the Kingdom; and that no Time may be lost in it.’

Sir John Trevor’s Report; from the Committee, concerning the Answers of the Lords.

The 23d. Sir John Trevor gave in the following Report, from the Committee appointed to inspect the Answers of the five Lords, and the Methods of Proceeding upon Impeachments.

‘ That it is the Opinion of the Committee, that the Lord Bellasis being impeach’d of High-Treason, cannot make any Answer but in Person.

‘ That the several Writings, put in by the Lords Powis, Stafford, and Arundel of Wardour, are not Pleas, and Answers, but argumentative, evasive; and, to which the Commons neither can, or ought to reply.

‘ That, if the Answers of the said Lords, as well as that of the Lord Petre, were sufficient, Proceedings ought to be stop’d, till the Lord Bellasis, had also put in a sufficient Answer in Person.

‘ That the Commons do demand of the Lords, that their Lordships would forthwith order the said Lords to put in their perfect Answers; or, in default thereof, that the Commons may have Justice against them.’

The next day, the said Report being approv’d by the House, a Conference was desir’d with the Lords, at which, the Answers of the five Peers were return’d, together with the Reasons of the Commons for their Insufficiency: To which was added by Order that the House desir’d their Lordships would appoint a short Day for the said Peers to put in their effectual Answers.

A short Day required for the 5 Lords to put in their Answers.

Lord Danby’s Plea, and Lord Bellasis’s Answer, sent down to the Commons.

The 25th. The Lords, by Message, acquainted the House, that the Earl of Danby had put in his Plea, and the Lord Bellasis his Answer, in Person; at the Bar of the House of Lords; which said Plea, and Answer, the Lords sent down at the same time, desiring they might be return’d with all convenient Speed.

Mr. Rigby’s Report, from the Committee appointed to enquire into the late Fires, &c.

The 26th, Mr. Rigby, from the Committee appointed to enquire into the late Fires, that had happen’d in, and about the City of London, gave in a Report, to the following Purport.

‘ That on the 24th of Feb. about midnight, a Fire broke out at one Mr. Bird’s in Fetter-Lane; which was discover’d by the Watch. That a Servant of the said Bird’s, one Elizabeth Oxley, at the same time, came to her Master’s Chamber, with an Alarm of Fire, which was soon after found to have begun

begin in a Closet full of Books and Papers; tho' all was safe there, when the said Bird went to Bed. That, after the Fire was extinguish'd, Mrs Bird going up into her Servant's Room, to see if all was safe there, found the Clothes of her two Maids ready bundled up, with other corresponding Circumstances; which creating some Suspicion, the said Bird secur'd the said Oxley, in order for Examination the next Day, (his other Maid, utterly denying all Knowledge of the bundling up the Clothes, &c.) That, accordingly being examin'd, the said Oxley confess'd her setting fire to the Papers in the Closet after the Family was asleep: That she did it at the Instigation of one Stubbs, a Papist, who gave her Half-a-Crown in Hand, &c. with a Promise of 5*l.* more.

That the said Stubbs, being taken into Custody, and examin'd, did confirm all that Oxley had advanc'd; adding farther, that he was employ'd in the Business by one Father Gifford; a Priest, who held it was no Sin to burn the Houses of Heretics. That he had drawn in several to be his Accomplices: That he was to receive 100*l.* of the said Gifford, who was to be supply'd with the Money, by the Church . . . That the said Stubbs, moreover, confess'd several other Particulars relating to a general Massacre of the Protestants, which was to be cover'd by an Invasion from France: That he expected to be made an Abbot or Bishop for his good Services: That he had been taught, 'twas no more Sin to kill a Heretic, than a Dog: That he was sworn to Secrecy: That he was told he should be damn'd if he made a Discovery; and, that when all their Forces met, in the middle of June, the Word was, *Have at the King.*

The House then resolv'd that an Address should be presented to his Majesty, for a Pardon for the said Stubbs, and Oxley, in Consideration of the Discovery they had made: As, likewise for a Proclamation, requiring the Persons nam'd by the said Stubbs, as Accomplices, to render themselves at a short day.

The same Day, The Lords, by Message, acquainted the House, that the Lords Stafford, Arundel of Wardour, and Powis, had that day retracted their former Pleas, and put in others, which were sent down with a Request, that they might be return'd with all convenient Speed.

The 27th, being Sunday, the House *Resolved, nem. con.* That the Duke of York's being a Papist, and the Hopes of his coming such to the Crown, has given the greatest Countenance and Encouragement to the present Conspiracies and Designs of the Papists, against the King and Protestant Religion. To which, the Concurrence of the Lords was desired.

The Lords Stafford, Arundel, and Powis, retract their Pleas, and send in others.

The grand Resolve, relating to the Duke of York.

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The Report of
the Committee
appointed to
inspect the
Earl of Danby's
Plea of Pardon.

The 28th, the Committee of Secrecy, which were appointed to examine and peruse the Nature of the Earl of Danby's Plea, made this Report :

‘ 1. We find no Precedent that ever any Pardon was granted, to any Person impeached by the Commons for High-Treason, or other high Crimes, depending in the Impeachment.

‘ 2. As to the Manner of passing the Earl of Danby's Pardon, it hath been formerly reported to the House, and the Committee refer themselves to that Report.

‘ 3. That by what Means it was obtained, the Time allowed the Committee hath been so short, that we cannot as yet discover the Advisers or Promoters thereof, any farther than what is mentioned in the said Report, relating to the Lord-Chancellor.’

Whereupon the House *Resolved*, ‘ That a Message be sent to the Lords, to desire their Lordships to demand of the Earl of Danby, Whether he will rely upon, and abide by the Plea of his Pardon.’

‘ The next day, the King returned this Answer to the Commons Address for the Execution of Pickering and other Priests :

The King's
Answer to the
Address for the
executing cer-
tain Priests.

‘ Gentlemen,
‘ I have always been tender in Matters of Blood, which my Subjects have no reason to take exception at : But this is a Matter of great weight, I shall therefore consider of it, and return you an Answer.’

After which, several Things being prepared by the new Privy-Council, (which the King had lately established, in compliance with the Temper of the Times) in order to ease the Minds of the People, now variously agitated,

His Majesty came to the House of Peers on the 30th of April, and sending for the Commons, made this short Speech to both Houses :

The King's
second Speech
to both Houses.

‘ My Lords, and Gentlemen,
‘ **T**HE Season of the Year advancing so fast, I thought it necessary to put you in mind of three Particulars.

- ‘ 1. The Prosecution of the Plot.
 - ‘ 2. The disbanding of the Army:
 - ‘ 3. The providing a Fleet for our common Security.
- ‘ And to shew you, that whilst you are doing your Parts, my Thoughts have not been misemployed ; but that it is my constant Care to do every Thing that may preserve your Religion, and secure it for the future in all Events, I have commanded my Lord-Chancellor to mention several Particulars : which I hope will be an Evidence, that in all Things

‘ Things that concern the public Security, I shall not follow your Zeal, but lead it. Anno 31 Car. II.
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Accordingly the Lord-Chancellor made this following Speech, which is here inserted without any Abridgment:

‘ My Lords, and you the Knights, Citizens and Burgeses of the House of Commons, That Royal Care which his Majesty hath taken for the general Quiet and Satisfaction of all his Subjects, is now more evident by these new and fresh Instances of it, which I have in command to open to you. His Majesty hath considered with himself, that it is not enough that your Religion and Liberty is secure during his own Reign, but he thinks he owes it to his People to do all that in him lies, that these Blessings may be transmitted to your Posterity, and so well secured to them, that no Succession in After-Ages may be able to work the least Alteration. And therefore his Majesty, who hath often said in this Place, That he is ready to consent to any Laws of this Kind, so that the same extend not to alter the Descent of the Crown in the right Line, nor to defeat the Succession, hath now commanded, this to be farther explained.

The Lord-Chancellor's
second Speech

‘ And to the end it may never be in the power of any Papist, if the Crown descend upon him, to make any Change either in Church or State; I am commanded to tell you, that his Majesty is willing that Provision may be made, first to distinguish a Papist from a Protestant Successor; then to limit and circumscribe the Authority of a popish Successor, in these Cases following, that he may be disabled to do any Harm: First, in reference to the Church; his Majesty is content that care be taken, that all ecclesiastical and spiritual Benefices and Promotions in the Gift of the Crown, may be conferred in such a Manner, that we may be sure the Incumbents shall be always of the most pious and learned Protestants: And that no popish Successor, while he continues so, may have any Power to control such Presentments. In reference to the State, and Civil Part of the Government; as it is already provided, That no Papist can sit in either House of Parliament; so the King is pleased that it be provided too, that there may never want a Parliament, when the King shall happen to die, but that the Parliament then in being may continue indissolvable for a competent Time; or if there be no Parliament in being, then the last Parliament which was in being before that Time, may re-assemble, and sit a competent Time, without any new Summons, or Elections. And as no Papist can by Law hold any Place of Trust, so the King is content that it may be farther provided, that

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no Lords or others of the Privy-Council, no Judges of the Common-Law, or in Chancery, shall at any Time, during the Reign of a Popish Successor, be put in, or displaced, but by the Authority of Parliament: And that care be taken, that none but sincere Protestants may be Justices of the Peace. In reference to the military Part, the King is willing that no Lord-Lieutenant, or Deputy-Lieutenant, nor no Officer in the Navy, during the Reign of any popish Successor, be put out or removed, but either by the Authority of Parliament, or of such Persons as the Parliament shall intrust with such Authority.

‘ It is hard to invent another Restraint to be put upon a Popish Successor, considering how much the Revenue of the Successor will depend upon the Consent of Parliament, and how impossible it is to raise Money without such Consent. But yet, if any thing else can occur to the Wisdom of the Parliament, which may farther secure Religion and Liberty against a Popish Successor, without defeating the Right of Succession itself, his Majesty will most readily consent to it. Thus watchful is the King for all your Safety; and, if he could think of any thing else, that you do either want or wish to make you happy, he would make it his Business to effect it to you. God Almighty long continue this blessed Union between the King and his Parliament and People.’

A Committee appointed to consider, what Part of the last Supply is undispos'd of,

May 1. the Commons revived a Committee, formerly appointed to consider what part of the Money given for disbanding the Army is yet undispos'd of, and remaining in the Exchequer; being still apprehensive of the Corruptions of the Earl of Danby. But to shew a personal Concern for their Sovereign at the same Time, they fell upon the farther Consideration of securing and preserving the King, and the Protestant Religion; against the Attempts of the Papists, both in the Reign of his Majesty and his Successors. They also read, at the same Time, a Bill for better Prevention of illegal Exaction of Money from the Subjects; and ordered, that Leave be given to bring in a Bill, ‘ That when any Member of this House is preferred to any Office or Place of Profit, a new Writ shall immediately issue out for electing a Member to serve in his stead.

A Bill to vacate the Election of Placemen.

Report of the Committee above-mention'd.

The 2d, the Committee for inspecting what Part of the Supply for the disbanding the Army remain'd undispos'd of, reported that on the Evidence of Sir R. Howard, (Auditor of the Exchequer) 40 or 45,000 £. is or ought to be yet in the Exchequer.

Lord Danby's Pardon voted illegal, and void.

Still the Earl of Danby was one of their chief Grievances, and his Pardon (which by the Advice of his Council he resolved to abide by) a very great Vexation; therefore on the 5th of May they resolved, that it was the Opinion of this House, that the Pardon pleaded by the Earl of Danby was illegal

illegal and void, and ought not to be allowed in bar of the Impeachment of the Commons of England.

The same Day, his Majesty sent a Message to the Commons, by Lord Ruffel, one of his new Privy-Council, who acquainted the House, ' That his Majesty commanded him to let the House know, that his Majesty is willing to comply with the Request made to him by the House concerning Pickering, and that the Law shall pass upon him accordingly. As to the condemned Priests, the House of Peers have sent for them, in order, as his Majesty conceives, to some Examinations. And farther to acquaint you, that he repeateth his Instances to you, to think of putting the Fleet in such a Posture, as may quiet Mens Fears, and at least secure us from any sudden Attempt; which his Majesty doubts not but you will do. And tho' the Streights and Difficulties he lieth under are very great, he doth not intend, during this Session, to press for any farther Supply; being willing rather to suffer the Burdens that are upon him some time longer, than to interrupt you whilst you are employed about the Discovery of the Plot, the Trial of the Lords, and the Bill for securing of our Religion.' After which Mr. Speaker, with the whole House, went up to the Lords Bar, and demanded Judgment against the Earl of Danby in these Words:

' My Lords, The Knights, Citizens and Burgeesses, in Parliament assembled, are come up to demand Judgment, in their own Names, and the Names of all the Commons of England, against Thomas Earl of Danby, who stands impeached by them before your Lordships of High-Treason, and divers high Crimes and Misdemeanors; to which he has pleaded a Pardon; which Pardon the Commons conceive to be illegal and void; and therefore they do demand Judgment of your Lordships accordingly.'

On the 7th, the following Message was sent by two Judges from the Lords:

' Mr. Speaker, we are commanded by the Lords to acquaint this House with an Order yesterday made concerning the Earl of Danby, viz. Whereas the Earl of Danby hath adhered to the Plea of his Pardon, and prayed to be heard by his Council, to make good the Validity of his Pardon: And whereas the Commons have by their Speaker, in proper Person, demanded Judgment against the Earl, as conceiving his Pardon to be illegal and void; It is ordered by the Lords spiritual and temporal, in Parliament assembled, that Saturday the tenth Instant, be appointed for hearing the Earl of Danby to make good his Plea. And farther to acquaint you, that the Lords spiritual and temporal have yesterday resolved, that the five Lords in the Tower, William

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The King's
Message.

Judgment de-
manded against
Lord Danby.

A Message
from the Lords.

Earl

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1679.

Earl of Powis, William Viscount Stafford, William Lord Petre, Henry Lord Arundel of Wardour, and John Lord Bellasis, shall be brought to their Trials, upon Wednesday the fourteenth of this Month; and likewise, that the Lords have address'd his Majesty to appoint a Lord High Steward.

The House then order'd a Committee to inspect the Journals for Precedents relating to the said Message.

The 8th, the following Address against the Duke of Lauderdale was agreed to; with the Resolution that it should be presented by the whole House.

Their Address
against the
Duke of Lan-
derdale.

' We your Majesty's most loyal and dutiful Subjects, the Commons in Parliament assembled, finding your Majesty's Kingdoms involved in imminent Dangers, and great Difficulties, by the evil Designs and pernicious Councils of some who have been, and are in high Place, and Trust and Authority about your royal Person; who, contrary to the Duty of their Places, by their arbitrary and destructive Counsels, tending to the Subversion of the Rights, Liberties and Properties of your Subjects, and the Alteration of the Protestant Religion established, have endeavoured to alienate the Hearts of your loyal Subjects, from your Majesty and your Government. Amongst whom we have just Reason to accuse John Duke of Lauderdale, for a chief Promoter of such Counsels; and more particularly for contriving and endeavouring to raise Jealousies and Misunderstandings between your Majesty's Kingdoms of England and Scotland; whereby Hostilities might have ensued, and may arise, between both Nations, if not prevented. Wherefore, we your Majesty's loyal Subjects, could not but be sensibly affected with Trouble, to find such a Person (notwithstanding the repeated Addresses of the last Parliament) continued in your Councils at this Time, when the Affairs of your Kingdom require none to be put into such Employments, but such as are of known Abilities, Interest and Esteem, in the Nation, without all Suspicion of either mistaking or betraying the true Interest of the Kingdom, and consequently of advising your Majesty ill. We do therefore most humbly beseech your most sacred Majesty, for taking away the great Jealousies, Dissatisfactions, and Fears among your good Subjects, that your Majesty will graciously be pleased, to remove the Duke of Lauderdale from your Majesty's Councils, in your Kingdoms of England and Scotland, and from all Offices, Employments, and Places of Trust, and from your Majesty's Presence for ever.'

To this the King only made this cold Reply: ' That he would consider of it, and return an Answer.'

The same Day, the House took into Consideration the Amendments made by the Lords, to the Bill for granting

Supply to his Majesty of 206,462 *l.* 17 *s.* 3 *d.* for paying off and disbanding the Forces raised since the 29th of September, 1677. And the first, second, third, fourth and fifth Amendments, being twice read, were upon the Question severally agreed: The sixth and seventh Amendment (for leaving out John Lord Ross, Son and Heir apparent to the Earl of Rutland) being read a second Time, and the Lord Ross having been called up to the House of Peers, since the Bill was sent up to the House of Lords; *Resolved*, That the House doth not agree with the Lords in the said Amendments. The rest of the Amendments, to the hundredth and second Skin, sixth Line, being twice read, were upon the Question severally agreed. The Amendment in the hundredth and second Skin, sixth Line, being read a second Time, and the Question being put for agreeing with the Lords in that Amendment, it passed in the Negative. The rest of the Amendments to the End of the Bill, being twice read, were upon the Question severally agreed. The two Clauses to be added at the End of the Bill, being twice read, and the Question being severally put, to agree with the Lords in the said Clauses, it passed in the Negative.

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1679.

Ordered, That a Committee be appointed to draw up Reasons, to be delivered at a Conference to be had with the Lords, why the House have disagreed with their Lordships, in several of their Amendments, to the Bill for paying off and disbanding the Army.

Sir Thomas Clarges then gave in his Report from the Committee appointed to inspect the Journals for Precedents relating to the Lords Message of the Day before, which was as follows:

Sir Thomas Clarges's Report from the Committee appointed to inspect the Lords Journals.

' That on the like Occasion, the House of Commons have appointed a select Committee to join with a Committee of Lords, to consider of the Methods and Circumstances to be observed on the Trials.'

The same Day, Sir John Trevor, likewise, gave in his Report of the Reasons prepar'd by the Committee, why this House cannot agree to the Amendments, made by the Lords, to the Bill for disbanding the Army, which were to the following Effect:

Sir John Trevor's Report, relating to the Amendments made by the Lords, to the Bill for disbanding the Army.

' That the Commons look upon the first Clause, that they dissent from as unnecessary, because the Bill has a relative Clause to the Act for building the Ships, wherein the Clause, desired by their Lordships, is enacted.

' That the Amendments relating to Guernsey and Jersey, is such a Disposition of Money, as the Commons have great Reason to be tender of from past Experience. It alters the Bill in several Parts, and would be of dangerous Consequence if admitted.

TOME I.

Y y

' That

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‘ That the 50000*l.* in the last Amendment is already appropriated to the paying off and disbanding the Army; and so there needs no such Clause: and the altering of such Appropriations by a subsequent Act, would destroy the Credit of any Appropriation to be hereafter made by Parliament.’

A Committee appointed to draw up Heads for a Conference with the Lords.

Their Report.

A Committee was then appointed to draw up Heads for a Conference to be had with the Lords, on the Message relating to Lord Danby, and the other Lords impeach’d, who the same Day gave in their Report as follows:

‘ That the Commons suppose your Lordships intend in all your Proceedings, upon the Impeachments now depending, to follow the usual Course and Methods of Parliament; and the Commons cannot apprehend what should induce your Lordships to address his Majesty for a Lord High Steward, to determine the Validity of the Pardon which has been pleaded by the Earl of Danby, to the Impeachment of the Commons; as also, for the Trial of the other Lords: Because we conceive the constituting of a High Steward is not necessary; but that Judgment may be given in Parliament upon Impeachments, without a High Steward.

‘ There being several other Matters contain’d in your Lordships Message, touching the Trial of the Lords impeached; which, if not settled, may occasion several Interruptions and Delays in the Proceedings: The House of Commons do therefore propose, that a Committee of both Houses may be appointed to consider of the most proper Ways and Methods of proceeding upon Impeachments of the House of Commons, according to the Usage of Parliament; that, thereby, those Inconveniencies may be avoided.’

The Lords drop their Amendments to the Bill for a Supply.

The 9th, the Lords, by Message, acquainted the House, that they had agreed to drop their Amendments to the Bill for disbanding the Army.

The same Day, Sir Thomas Meers reported from the Conference had with the Lords concerning the Trial, that the Lord Privy-Seal manag’d the Conference, and that what he deliver’d was as follows:

They refuse to join in a Committee of both Houses.

‘ That the Lords do not agree to a Committee of both Houses, because they do not think it conformable to the Rules and Orders of Proceedings of this Court, which is, and ever must be tender in Matters relating to their Judicature.

The Commons address the King, to raise the Militia round London, in which the Lords concur.

It was then resolv’d, that his Majesty should be address’d to order the Militia of London, Westminster, Southwark, the Tower-Hamlets, Middlesex and Surry, may be immediately rais’d, &c. and that two Companies of the Westminster Train’d-Bands may be put in Arms to-morrow

Morning:

Morning: which being the next Day drawn up in Form, was sent up to the Lords, who gave their Concurrence to it unanimously.

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The same Day the House resolv'd, ' That no Commoner whatsoever should presume to maintain the Validity of the Pardon pleaded by the Earl of Danby, without the Consent of this House; and that the Persons so doing, shall be accounted Betrayers of the Liberties of the Commons of England.

Several warm
Resolutions.

' That this Vote be posted up at Westminster-Hall-Gate, at the several Gates of Serjeant's-Inn, and other Inns of Court; and that the Answer deliver'd by the Lords this Day, at the last Conference, tends to the Interruption of the good Correspondency between the two Houses.

The 10th, Mr. Hampden made his Report from the Committee appointed to draw up Reasons to be offer'd at a Conference with the Lords upon the Subject Matter of the last, which were to the following Effect:

Reasons to be
offered to the
Lords at a Con-
ference.

' The Commons, hoping this Conference will prevent all Misunderstandings between the two Houses, at this Conjunction so especially to be avoided, when the most heinous Delinquents are to be brought to Justice; and when the Enemies of both King and Kingdom ought to have no Hopes left them to see this obstructed by any Difficulties in the Proceedings, have commanded us to say this to your Lordships:

' That your Lordships do not offer any Answer or Satisfaction to the Commons in their necessary Proposals, amicably offered by way of Supposition, that they might have been confirm'd therein, by Answer from your Lordships, that your Lordships do intend, in all your Proceedings upon the Impeachments now depending before your Lordships to follow the usual Course and Methods of Parliament.

' And farther, that your Lordships have not given the least Answer or Satisfaction to the Commons concerning a Lord High Steward, tho' the Commons propos'd their Desire of Satisfaction in that Matter in as cautious Terms as could be, on purpose to avoid all Disputes about Judicatures.

' The Commons, to avoid Delays and Interruptions, propos'd to your Lordships that a Committee of both Houses might be nominated to consider of the most proper Ways of proceeding upon Impeachments. Your Lordships, without any Reason assign'd (save only that you say you do not think it conformable to the Rules and Proceedings of this Court) have refus'd to agree with the House of Commons, in appointing such a Committee, tho' not heretofore deny'd, when ask'd upon the like Occasion, and at this Time, desired purposely to avoid Disputes and Delays.

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' And therefore, the House commanded us to acquaint your Lordships, that Things standing thus upon your Answer, they cannot proceed upon the Trials of the Lords before the Methods of Proceeding be adjusted between the two Houses.'

After these Reasons had been read and approv'd, and a Conference demanded thereon, the Lords, on their Side, demanded one in the Interval, the Substance of which was thus deliver'd to the House by Sir John Trevor the same Day, viz.

Sir John Trevor.

That the Lord Privy-Seal manag'd the Conference; and that he acquainted them, that the Lords had received a Petition from the Earl of Danby, who was order'd to attend their Lordships this day, which his Lordship read: Whereby the Earl of Danby sets forth, that he met with Information from his Council, that they durst not appear to argue the Validity of his Pardon, by reason of a Vote of the House of Commons; and that their Lordships desir'd to know whether there was any such Vote as was alledg'd in the Petition.

The Earl of
Danby petitions
the Lords.

This unexpected Query of the Lords, occasion'd an Order of the House, that a Committee should be appointed to inspect the Journals, and search Precedents concerning Questions ask'd at Conferences.

Mr. Bertie ex-
amined.

The same Day Mr. Charles Bertie (entrusted by Patent, with the Disposal of 20000 *l. per Annum* secret Service Money out of the Excise) was call'd in, and examin'd on several Questions; and being withdrawn, it was resolv'd that the House was not satisfied with his Answers. After which, Sir Robert Howard, Auditor of the Exchequer, informing the House that from Lady Day 1676, to March 26. 1679, 252,467 *l. 1 s. 9 d.* had been paid to the said Mr. Bertie for secret Service; an Order was issued, that Mr. Charles Bertie be committed to the Custody of the Serjeant at Arms, for his Contempt to this House.

252,467 *l.* re-
ceived by him
for secret Ser-
vice.

And committed
into Custody for
a Contempt.

The Lords
agree to the
joint Com-
mittee.

The 11th, being Sunday, the Lords signify'd to the House by Message, that they have appointed a Committee, consisting of twelve Lords to join with a Committee of the House of Commons, to consider of Propositions and Circumstances in reference to the Trials of the Lords in the Tower.

Bill of Exclu-
sion brought in.

The same Day, Mr. Treby having acquainted the House with several Particulars, concerning the Duke of York, contain'd in the Letters and Papers in the Custody of the Committee of Secrecy, relating to the Plot, it was resolv'd, That a Bill be brought in to disable the said Duke from inheriting the Imperial Crown of these Realms. And more-
over, *nemine contradicente*,

' That

‘ That in defence of the King’s Person, and the Protestant Religion, this House doth declare, that they will stand by his Majesty with their Lives and Fortunes; and that if his Majesty should come by any violent Death (which God forbid) they will revenge it to the utmost on the Papists.’

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Resolution to stand by his Majesty with their Lives and Fortunes.

This was soon after put into the form of an Address, which being presented to his Majesty, he returned this Answer:

‘ Gentlemen, I thank you for your Zeal for the Preservation of the Protestant Religion, and of my Person; and I assure you, I shall do what in me lies, to secure the Protestant Religion; and am willing to do all such things, as may tend to the Good and Benefit of my Subjects.’

His Majesty’s Answer.

In the mean time, on Wednesday the 14th of May, the King sent this following Message to the House of Commons, by Mr. Powle, one of his new Privy-Council.

C. R.

‘ Though his Majesty hath already, at the first meeting in Parliament, and since by a Word or two, mentioned the Necessity of having a Fleet at Sea this Summer; yet the Season for preparing it being far advanced, and our Neighbours before us in their Preparations, he cannot hold himself discharged towards his People, if he do not now, with more Earnestness, again recommend the same to your present Care and Consideration; and the rather, from the daily Expectation of the Return of the Fleet from the Streights, to which a great Arrear is due; and hereby he must acquit himself of the evil Consequences, which the want of a Fleet in such a Juncture may produce: And he hath not done this without considering, That the entering upon the Work presently can be no hindrance to the other great Affairs upon your Hands; but rather a Security, in the dispatch thereof.’

The King’s Message to them.

This Message, tho’ reasonable and proper, and proceeding from an unexceptionable Council, was no farther regarded, than after a Debate, it was resolved, that the farther Consideration of the said Message be adjourned till Monday next come seven-night.

Both Houses having agreed to a joint Committee for settling the Way and Method of trying the impeached Lords, after some meetings a Report was made to the House of Commons by Sir John Trevor, to this effect:

‘ That the Commons had made two Propositions to the Committee of the Lords: First they desired to see the Commission of the Lord High-Steward, and those to former Lords: Secondly, they desired to know what Resolutions had been taken, about the Lords Spiritual being present or absent at the Trial of the Lords impeached. For the first, the

Proceedings about the impeached Lords.

Lords

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1679.

Lords Committee produced several Copies of the Commissions to the Lords High-Stewards, and particularly that for the Trial of the Earl of Danby, and for the five Lords in the Tower. But withal they communicated a Resolution of the Lords House, of the 12th of May, in these Words:

‘ It is declared and ordered, by the Lords Spiritual and Temporal, that the Office of a High-Steward, upon Trials of Peers upon Impeachments, is not necessary to the House of Peers; but that the Lords may proceed upon such Trials, if a High-Steward be not appointed according to their humble Desire.’ Their Lordships farther declared to the Committee, ‘ That a Lord High-Steward was made *pro hac vice* only: That notwithstanding the making a High Steward, the Court remained the same, and was not thereby altered, but still remained the Court of Peers in Parliament: That the Lord High-Steward was but as a Speaker or Chair-man, for the more orderly Proceedings at the Trials. Notwithstanding which, they had petitioned and obtained a Lord High-Steward for the ensuing Trials.’ As to the second Proposition, the Resolution of the House of Peers was in these Words:

‘ Resolved by the Lords Spiritual and Temporal, that the Lords Spiritual have a Right to stay in Court in capital Cases, till such time as Judgment of Death comes to be pronounced.’

The next day, the Lords explained themselves, and declared the Meaning of their Resolution to be, That the Lords Spiritual have a Right to stay and sit in Court, till the Court proceed to vote guilty or not guilty.

The second Proposition, being a Matter of great Weight and Consideration, the Committee of the Commons had commanded him to report it to the House, in order to receive their Directions for their farther Proceedings.

Two days after, Sir John Trevor made another Report from the Committee of both Houses, that the Lords had communicated to the Committee certain Proceedings of the House of Lords, in these Words:

‘ Resolved by the Lords Spiritual and Temporal, That Thursday the 22d Instant be appointed to begin the Trials of the five Lords in the Tower; the Earl of Powis, Lord Viscount Stafford, Lord Petre, Lord Arundel of Wardour, and Lord Bellasis. After which Resolution passed, the Lords Spiritual asked the Leave of the House, that they might withdraw themselves from the Trials of the said Lords, with the Liberty of Entering their usual Protestations. And that the Commons Committee did desire the Directions of the House, how they should proceed thereon. Upon hearing the Report, the House of Commons, after a warm Debate,

bate, *Resolved*, that it be given as an Instruction to the said Committee to insist, That the Lords Spiritual ought not to have any Vote in any Proceedings against the Lords in the Tower: And when that Matter shall be settled, and the Methods of Proceeding adjusted, this House shall then be ready to proceed upon the Trial of the Pardon of Lord Danby, against whom this House hath already demanded Judgment; and afterwards to the Trials of the other five Lords in the Tower.

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1679.

On the 15th of May, the Commons perfected their grand Bill to disable the Duke of York from inheriting the imperial Crown of England; now obtaining the Name of the Exclusion Bill: and was read the first Time, without any great Opposition. It set forth, after the Particulars of the execrable Conspiracy,

‘ That the Emissaries, Priests and Agents for the Pope, had traitorously seduced James Duke of York, presumptive Heir to these Crowns, to the Communion of the Church of Rome; and had induced him to enter into several Negotiations with the Pope, his Cardinals and Nuncios, for promoting the Romish Church and Interest; and by his Means and Procurement, had advanced the Power and Greatness of the French King, to the manifest Hazard of these Kingdoms. That by Descent of these Crowns upon a Papist, and by foreign Alliances and Assistance, they might be able to succeed in their wicked and villainous Designs.’

The Substance
of the Exclusion
Bill.

Then after another Preamble, they enacted to this Effect:

1. ‘ That the said James Duke of York, Albany, and Ulster, should be incapable of inheriting the Crowns of England, Scotland, and Ireland, with their Dependencies; and of enjoying any of the Titles, Rights, Prerogatives and Revenues belonging to the said Crowns.

2. ‘ That in case his Majesty should happen to die, or resign his Dominions, they should devolve to the Person next in Succession, in the same manner as if the Duke was dead.

3. ‘ That all Acts of Sovereignty and Royalty that Prince might then happen to perform, were not only declared void, but to be High-Treason, and punishable as such.

4. ‘ That if any one, at any Time whatsoever, should endeavour to bring the said Duke into any of the fore-mentioned Dominions, or correspond with him in order to make him inherit, he should be guilty of High-Treason.

5. ‘ That if the Duke himself ever returned into any of these Dominions, considering the Mischiefs that must ensue, he should be looked upon as guilty of the same Offence; and all Persons were authorized and required, to seize upon and imprison him; and in case of Resistance made by him or his Adherents, to subdue them by Force of Arms.’

This

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This Bill of Banishment, as well as Exclusion, was five Days after read a second time in the House.

Upon which the question being put, whether the Bill should be committed, the House divided, and the Yeas ordered to go forth, were two hundred and seven, and the Noes who staid were but a hundred and twenty eight, the Majority seventy-nine; and so the Bill was committed to a Committee of the whole House: but the Parliament being soon after prorogued, it proceeded no farther.

May 22. A Committee having been some time before appointed to enquire into the Miscarriages of his Majesty's Navy; and the Petition of one Captain Mohun against Sir Anthony Dean, Hugh Salisbury, and John Moor, all Officers in his Majesty's Yard at Portsmouth, having been left to their Consideration, Mr. Harbord reported to the House the Case of the said Captain Mohun, to the Effect following:

The Report
from the Com-
mittee on the
Miscarriages of
the Navy.

That the said Dean, Salisbury and Moor, did, in the Year 1673, equip the Hunter Sloop, out of his Majesty's Stores at Portsmouth; and by the favour of Mr. Pepys, Secretary to the Admiralty, procur'd a Commission of Reprisal for the said Captain Mohun, to whom they gave the Command of the said Sloop; who gave 1000 l. Bond, acknowledging the said Persons to be Owners of the said Sloop, and obliging himself to be accountable to them for the Prizes he should take.

That the said Mohun sail'd with the said Sloop to Dover, where he receiv'd a Letter from Dean, directing him to make for Dunkirk or Calais, there to make the said Sloop free of either of those Ports, and likewise procure a Commission against the Dutch; the Charge of all which the said Dean undertook to pay.

That the said Mohun, sensible of the Injustice of this Design, laid down his Command, and left her at Dover; and that being some time after at Dunkirk, he there saw the said Sloop, then commanded by one Thomas Swayne, bring in the Catherine of London as a Prize, being a free Ship of England; of which the said Mohun gave an instant account to her Owners in London.

That the said Mohun being at Calais, there came over one Balthazar St. Michael, concern'd likewise in the Sloop Hunter, and his Majesty's Cheque-Master at Portsmouth, in his way to Paris, with Instructions and Letters to get the said Ship Catherine condemn'd as Prize, tho' he knew the said Ship had been prov'd to be English before his Majesty and Council; and that his Majesty had sent Orders to his Ambassador at Paris to procure her Discharge.

That

That the said St. Michael got the said Ship and Cargo re-
seiz'd, after she had been discharg'd at the instance of his
Majesty's said Embassador.

That the said Mohun had heard the said Captain Swayne
say, that he receiv'd the Provisions of the said Sloop from
his Majesty's Victualler at Dover.

That the said Mohun, being since Master of a small Vessel,
and putting into Dover, was press'd by the said Dean and
Moor, to be Pilot of the Norwich-Frigate; where he was
detain'd eight Days, and then forc'd on shore by Violence:
After which, by certain Soldiers of the Garison, he was hur-
ried to Prison; Dean bringing an Action against him for
2000 l. That, within half an Hour after he was in the said
Prison, he was cruelly shackled; that he was forced to go
on Crutches for five Months; and that being afterwards re-
mov'd by *Habeas Corpus* to the King's Bench, he continued
a Prisoner there for three Years, till discharg'd by Act of
Parliament.

That the Merchants, Owners of the said Ship Catherine,
have proved the Matter of Fact incontestably, charg'd on
the said St. Michael (for which he was committed to the
Tower) Swayne, and their Accomplices: That the Damage
they received by these piratical Proceedings amounted to
5000 l. and might have been the occasion of a War between
his Majesty and the States-General; it being directly con-
trary to the Articles of Peace made betwixt them.

That the said Dean and Pepys did cause to be made cer-
tain Maps, Sea-Journals, Draughts of his Majesty's best-built
Ships, Models of Ships, and fill'd 14 Sheets of Paper, closely
written, with an Account of the Number, State and Oeco-
nomy of the Navy Royal; the Means to allure English Sea-
men into the French Service; the Weakness of those Pla-
ces where our Fleets lie, Defects of Stores, Descriptions of
Forts, Rivers, Garisons, &c. All which Papers, &c. the
said Dean is accused of carrying over to France, and deli-
vering to the Marquess de Signely, then Secretary to the
French Admiralty, in order to carry on and support the
Popish Plot against his Majesty, &c.

In consequence of this Report, an Order was issued the
same day for committing the said Dean and Pepys to the
Tower; and another for the Attorney-General to prosecute
them; as likewise St. Michael, Moor, Swayne, and one
Watson.

Certain Persons
ordered to be
prosecuted
thereon.

The 23d, the House being inform'd that Sir Stephen Fox
had paid several Sums of Money to some of the Members of
the late Parliament, and that he has Books of Accounts to
evidence the same; it was ordered, that he should imme-
diately attend the House with the said Books, &c.

An Enquiry in-
to the Disposi-
of Money distri-
buted among the
Members.

TOMES I.

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Soon

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Soon after which, Sir Stephen being come, it was order'd that he should forthwith produce his Ledger-Book, Cash-Book, Journal, and Receipts of Money by him paid for secret Service; and that Sir John Hotham, Sir Robert Peyton, and Sir John Holeman do accompany the said Sir Stephen Fox; and that he is enjoin'd not to go out of the Company of the said Members, before they return to the House.

Ordered, That no Member depart the Service of this House, till Sir Stephen Fox and the other Members return.

Then the said Members being return'd, Sir John Hotham reported, That so soon as they came to Sir Stephen Fox's, the Lord Chamberlain came in and told them, that he durst not suffer any Books or Papers that concern'd the King to go out of his House, without the King's special leave.

Ordered, That Sir Stephen Fox do name such Members of the last Parliament as he could remember that received any Money for secret Service.

Ordered, That Sir Francis Winnington report to-morrow, what Members of the last Parliament, the secret Committee knows receiv'd any Pension.

Ordered, That the Clerk read over the Roll, and that Sir Stephen Fox answer every Name.

per Annum.

Sir Charles Wheeler,	400 l.
Francis Roberts,	500.
Sir James Smith,	500.
Sir Richard Wiseman,	500.
Thomas Price,	400.
Humphrey Cornwall,	200.
Sir Lionel Walden,	300.
Daniel Colingwood,	300.
Robert Philips,	300.

Received at a Time.

Sir George Reeves,	500 l.
Sir John Duncomb,	2000.
Sir Thomas Woodcock,	200.
Henry Clark,	400.
Sir John Talbot,	500.
Sir Philip Mountain,	300.

Upon Account.

Sir John Robinson,	2500 l.
Mr. Rogers,	200.
Colonel Whitley,	300.
Sir Jonathan Frelawney,	500.
Sir Philip Howard,	500.
Sir Courtney Poole,	1000.
Colonel King,	200.

Mr.

Mr. Westphaling,	200 <i>l</i> .
Sir John Barnaby,	300.
Sir Job Charlton,	1000.
Mr. Knolls.	200.
Randolph Egerton,	500.

Amo 31st Car. II.
1679.

The same day Sir John Trevor, from the Committee appointed to join the Committee of Peers, to consider of Propositions and Circumstances relating to the Trial of the Lords in the Tower, reported the Contents of a Paper, delivered by the said Committee of Peers, as follows:

‘ That the Lords, Powis, Stafford, Petre, and Arundel of Wardour, shall have Warrants for such Witnesses as will not come without (Affidavit being first made thereof) except Members of the House of Commons, and Persons charged with being Accomplices in the same Treason. And, that such Witnesses as any of the said Lords produce for their Defence, shall not be examin’d upon Oath in their own Case; but may be examin’d upon Oath, if desir’d by the Commons on their Behalf; and, that if any of the Lords do re-examine them, it shall be on the same Oath.

‘ That the Lieutenant of the Tower is to return the Warrant of this House.

‘ That the said Lords being brought to the Bar by the said Lieutenant, are to kneel, till commanded to rise by the Lord High-Steward; when he is to let them know, that they are then to answer the Accusation of High-Treason brought against them, in the Name of the Commons of England, and take their Trials for their Lives.

‘ That the whole Impeachment is to be read, and then their Answers. After which the Lord High-Steward is to tell the Commons, that they may proceed with their Evidence.

‘ That he is then to declare, that now the Court is proceeding to hear the Evidence, and desire the Peers to give their Attention.

‘ That if the said Lords demand Counsel, the Lord High-Steward is to tell them, that, while the Managers for the Commons urge their Evidence of Facts, they are to use no Counsel.

‘ That if any Peers or Managers for the Commons would ask the Prisoners any Question, they must desire the Lord High-Steward to ask the said Question.

‘ That if any doubt arises upon the Trial, no Debate is to be in Court; but the Question suspended, to be debated in the House.

‘ That the Peers are to sit upon the Trial but a Day, and not to sit past Two of the clock.

Sir John Trevor's Report from the joint Committee of Lords and Commons.

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‘ That the Members of the Commons are to be seated first, before the Peers come.

‘ That none are to be cover'd at the Trial, but the Peers.

‘ That a private Place be made to put Offenders safely in.

‘ That the Space, between the Prisoners and the Wool-Sack, be clear.

‘ That, such Peers who shall be admitted Witnesses, at the Instance of the Commons, are to be sworn at the Clerk's-Table, the Lord High-Steward to administer the Oath, and to deliver their Evidence in their own Places.

‘ That, those Witnesses, who are Commoners, are to be sworn at the Bar, by the Clerk, and deliver their Evidence there.

‘ That, the Form of the Oath for the Witnesses, shall be this;

‘ The Evidence which you shall give in this Trial, concerning the five Lords Prisoners, at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth. So help you God, and the Contents of this Book.’

‘ That the said five Lords may cross-examine Witnesses, *vis a voce*, at the Bar.

‘ That Notice be given to the Lord-Mayor, Aldermen, and Sheriffs of London, and likewise, the Deputy-Lieutenants, and Justices of Middlesex, &c. to take care for the safe guarding the Gates, and other Places, thereby to prevent the Concourse of People resorting to Westminster, during the Trial.

‘ Ordered by the Lords Spiritual and Temporal, in Parliament assembled, That this Paper be communicated to the Committee of the House of Commons, by the Lords Committee of this House.

‘ To this Sir John Trevor, further reported, That the Lords of the Committee declar'd, when they deliver'd the said Paper, that the Paper was deliver'd as Proposals to be debated; not as an Order, or Rule to bind the Commons: And that the Committee of the House did declare, that they receiv'd the Paper, only as Proposals.’

The 24th, it was *Resolv'd*, That the Committee, appointed to join the Committee of the Lords, do insist upon the former Instructions, and do give no Answer to the Proposals made Yesterday by the Lords, until their Lordships have made an Answer to the Proposals, already made to their Lordships, by the Committee of this House.

Resolved, That an Answer be return'd to the last Message of the House of Peers, touching their Appointment of the Trial of the five Lords, to be on Tuesday next, with Reasons, Why the House cannot proceed to the Trial of the said Lords, before Judgment is given upon the Earl of Danby's

Danby's Plea of his Pardon, and the Point of the Bishops Anne 3^r Car. II.
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not Voting in any Proceedings upon Impeachments for capital Offences be settled, and the Methods of Proceeding adjusted: And, That a Committee be appointed to prepare and draw up the Reasons.

The same day Sir Francis Winnington reported from the Committee of Secrecy, That there was Annually paid out of the Excise, 20,000 l. for Pensions manag'd by Mr. Charles Bertie, by Patent, for which he was to give no Account, but for secret Service. That Sir Richard Wiseman receiv'd 400 l. *per An.* for himself; and 400 l. *per An.* for three more. That Sir Joseph Tredenham, Mr. Piercy Goring, Sir Robert Holt, Mr. Glascock, and Sir John Johnson, were also Pensioners.

A farther Account of Pensions, and secret Service-Money.

Ordered, That the Auditor of the Excise, do bring in a List of the Farmers of the Excise, to the Year 1672.

Ordered, That Mr. Johnson, and Mr. Lent, be sent for to attend the House, they having paid several of these Pensions. And that the Speaker issue forth his Warrant for any Witnesses, as shall be named to him by any Members of this House, touching Money paid for secret Service.

The 26th, Mr. Sacheverel delivered in his Report from the Committee appointed to draw up Reasons, why this House cannot proceed to the Trials, &c. which was to the following Effect:

Mr. Sacheverel,

' The Commons have always desir'd that a good Correspondency may be preserv'd between the two Houses.

' There is now depending between the two Houses a Matter of the greatest Consequence, in the Management of which your Lordships seem to apprehend some Difficulty from the Proposals made by the Commons.

' To clear up this, the Commons have desir'd this Conference, in which they hope to prove, That the said Proposals are only such as have been well-warranted by the Laws of Parliament, and Constitution of the Government; and, in no sort intrench upon the Judicature of the Peers, but, are most necessary to be insisted upon: That the ancient Rights of Judicature in Parliament may be maintain'd.

' The Commons readily acknowledge, That the Crimes, charg'd upon the five Peers, are of deep Guilt, and call for speedy Justice: but, withal, they hold any Change of Judicature in Parliament, made without Consent of full Parliament, to be of pernicious Consequence, both to his Majesty, and his Subjects; and hold themselves oblig'd to transmit to Posterity, all the Rights they receiv'd from their Ancestors; by putting your Lordships in mind of the Progress already made between the two Houses, in relation to the Proposals made by the Commons, and the Reasonableness of

The Report from the Committee appointed to draw up Reasons, why the Commons cannot proceed in the Trials of the five Lords.

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of the said Proposals themselves. They doubt not to make it appear that their Aim hath been no other, than to avoid such Consequence, and preserve that Right: And, That there is no Delay of Justice on their part; and, to that End, do offer to your Lordships, the ensuing Reasons and Narratives.

‘ That the Commons, in bringing the Earl of Danby to Justice, and the Discovery of that execrable and traitorous Conspiracy, of which the five Lords stand impeach’d, have labour’d under great Difficulties, is not unknown to your Lordships.

‘ That, upon the Impeachment of the Earl of Danby, the common Justice of Sequestering him from Parliament, and forthwith committing him to safe Custody, was then requir’d by the Commons, and deny’d by the Peers, tho’ he then sat in their House. Of this, your Lordships have been so sensible, That, at the free Conference of April 10, your Lordships acknowledged that what we then demanded, was our Right, and well-warranted by Precedents. And, had not that Justice been deny’d to the Commons, great part of this Session of Parliament, which hath been spent in framing a Bill for causing the Earl of Danby to appear and answer that Justice, from which he was fled, had been employ’d for the Preservation of his Majesty’s Person, and the Security of the Nation: And, in prosecuting the other five Lords. Neither, had he had Opportunity to procure that illegal Pardon, bearing date March 1. which he hath now pleaded in Bar of this Impeachment, nor of wasting so great a Portion of the Treasure of the Kingdom, as he hath done, since the Commons exhibited their Articles of Impeachment against him.

‘ That, after all this Time thus lost, the said Bill, being ready for the Royal Assent, the Earl of Danby surrender’d himself, was committed by your Lordships Order, dated April 16, pleaded his Pardon; and, being prest, declar’d he would rely upon, and abide by that Plea. Which Pardon, being illegal and void; therefore, of no Force to preclude the Commons from having Justice: They did, therefore, with their Speaker, May 5, demand Judgment against the said Earl upon the Impeachment; not doubting, but that your Lordships intended, in all your Proceedings upon the said Impeachment, to follow the usual Course and Methods of Parliament.

‘ But, the Commons were not a little surpriz’d by a Message from your Lordships, May 7, That, as well the Lords Spiritual, as Temporal, had order’d May 10, for Hearing the said Earl make good his Plea of Pardon. And That on the 13th, the other five Lords should be brought

to

to their Trial; in order to which, your Lordships had address'd his Majesty to name a Lord High Steward, as well in the Case of the Earl of Danby, as of the other five Lords.

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Upon Consideration of the said Message, the Commons found that the admitting of the Lords spiritual to exercise Jurisdiction in these Cases, was an Innovation, and which extended alike to the five Lords and the Earl of Danby, and that, if a Lord High Steward should be held necessary upon Impeachments, the Power of Judicature in Parliament might be defeated by suspending or denying to constitute a Lord High Steward; that the Days appointed for the Trial were so near at hand, that it was impossible to adjust the necessary Terms between the two Houses in the Interval, unless their Zeal for speedy Judgment against the Earl of Danby, that so they might proceed to the Trial of the other five Lords, should induce them to admit of the Enlargement of your Lordships Privileges, with the great Hazard of the Commons Power of Impeachment for the Time to come.

For reconciling Differences, for saving Time, and for expediting the Trials, without giving up the Power of Impeachment, or rendering them ineffectual, the Commons propos'd a joint Committee to your Lordships, at which, when agreed to, it was first propos'd to defer the Trials of the Lords, till other Affairs were adjust'd; and it was then agreed that the Proposals, as to the Time of Trial, should be the last Thing consider'd, and the Effect of this Agreement stands reported in your Lordships Books.

Upon which, the Commons communicated their Vote, that their Committee should insist upon their former Vote; that the Lords spiritual ought not to have any Vote in the Proceedings against the Lords in the Tower; and that when this was adjust'd, they were ready to proceed on Lord Danby's Plea of Pardon, against whom they had before demanded Judgment. But to this, the Commons have as yet received no Answer, except that the Bishops had ask'd Leave to withdraw, with Liberty of entering their usual Protestation.

And altho' the Commons have almost daily declared, that there was a necessary Point of Right to be settled before the Trials, and offer'd to debate the same, your Committee always answer'd they had not Power either to confer upon, or give any Answer concerning that Matter. Notwithstanding which, your Lordships, by Message May 14, declar'd to the Commons, that the Lords spiritual as well as temporal, had order'd the 27th for the Trial of the five Lords; so that the Commons apprehend your Lordships have not only departed from what was agreed on, and in effect, laid aside the Joint-Committee, constituted for preserving a good Understanding

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derstanding between the two Houses, and better Dispatch of the weighty Affairs now depending in Parliament; but must needs conclude from the said Message and Vote of your Lordships May 14, that the Lords spiritual have a Right to stay and sit till the Court proceeds to the Vote, Guilty, or not Guilty. And for the Bishops asking Leave to withdraw, &c. and by their persisting still to vote in Proceedings upon the Impeachments, that said Leave-asking, &c. is only an evasive Answer to the Vote of the Commons before-mentioned, and chiefly intended as an Argument for a Right of Judicature in Impeachments, and a Reason to judge of the Earl of Danby's Plea of Pardon; and upon those and other like Impeachments, tho' no such Power was ever claim'd by their Predecessors, but is utterly deny'd by the Commons. And this the Commons are the rather induc'd to believe, as the very asking Leave to withdraw seems to imply a Right to be there; and that they cannot be absent without it; because, by this Way, they would have it in their power for the future, whether they will ask Leave to be absent, and the temporal Lords like Power of denying it, if that should be admitted once necessary.

The Commons, therefore, are obliged not to proceed with the Trial of any of the five Lords, the 27th of this Instant May, but to adhere to their former Vote; and for their so doing, beside what has been already said, do offer the Reasons following; viz.

1. Because your Lordships have received the Earl of Danby's Plea of Pardon, with a very long and unusual Protestation, wherein he has aspers'd his Majesty, by false Suggestions, as if his Majesty had commanded or countenanced the Crimes he stands charg'd with; and particularly, in suppressing and discouraging the Discovery of the Plot, and endeavouring to introduce an arbitrary and tyrannical Government, which remains as a Scandal upon Record against his Majesty, tending to render his Person and Government odious to his People, against which it ought to be the principal Care of both Houses to vindicate his Majesty, by doing Justice upon the Earl.

2. That setting up a Pardon to be a Bar of Impeachment defeats the whole Use and Effect of Impeachments. For, should this Point be admitted or stand doubted, it would totally discourage the exhibiting any for the future. Whereby the chief Institution for the Preservation of Government would be destroy'd, and consequently the Government itself: and therefore, the Case of the said Earl, which in consequence concerns all Impeachments, ought to be determined before that of the said five Lords which is but their particular Case.

And

‘ And, without resorting to many Authorities of great Antiquity, the Commons desire your Lordships to take Notice with the same Regard they do, of the Declaration made by King Charles the First, in his Answer to the 14 Propositions of both Houses of Parliament, wherein, stating the several Parts of this regulated Monarchy, he says, ‘ The King, the House of Lords, and the House of Commons have each particular Privileges:’ And among those which belong to the King, he reckons the Power of pardoning; after the enumerating of which, and other his Prerogatives, his said Majesty adds this again: ‘ That the Prince may not make use of his high and perpetual Power to the Hurt of those for whose Good he hath it: and make use of the Name of public Necessity, for the Gain of his private Favourites and Followers, to the Detriment of his People.

‘ The House of Commons, an excellent Conserver of Liberty, is solely entrusted with the first Propositions concerning the Levies of Monies, and the Impeachment of those, who for their own Ends, tho’ countenanced by any surreptitiously-gotten Command of the King, have violated the Law, which he is bound, when he knows it, to protect; and to the Protection of which they were bound to advise him, at least not to serve him to the contrary.

‘ And the Lords being entrusted with the Judicatory Power, are an excellent Skreen and Bank between the Prince and the People, to assist each against any Encroachments of the other; and by just Judgments to preserve the Law which ought to be the Rule of every one of the three.

‘ Therefore the Power legally placed in both Houses, is more than sufficient to prevent and restrain the Power of Tyranny.

‘ 3. Until the Commons of England have Right done them against this Plea of Pardon, they may justly apprehend, that the whole Justice of the Kingdom, in the Case of the five Lords, may be obstructed and defeated by Pardons of the like Nature.

‘ 4. An Impeachment is virtually the Voice of every Particular Subject of this Kingdom, crying out against an Oppression, by which every Member of the Body is equally wounded: and it would prove a Matter of ill Consequence, that the Universality of the People should have Occasion minister’d to them to be apprehensive of the utmost Dangers from the Crown, whereby they of Right expect Preservation.

5. The Commons exhibited Articles of Impeachment against the Earl of Danby, before those against the other five Lords, and demanded Judgment upon these Articles; whereupon your Lordships, having appointed the Trial of the

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said Earl to be before that of the other Lords: now your Lordships having since inverted that Order, give a great Cause of Doubt to the House of Commons, and raise a Jealousy in the Hearts of all the Commons of England, that, if they should proceed upon the Trial of the said five Lords in the first place, not only Justice would be obstructed in the Case of these Lords, but that they never shall have Right done them in the Matter of the Plea of Pardon, which is of so fatal Consequence to the whole Kingdom, and a new Device to frustrate public Justice in Parliament.

‘ Which Reasons and Matters being duly weigh’d by your Lordships, the Commons doubt not but your Lordships will receive Satisfaction concerning their Propositions and Proceedings, and will agree, that the Commons ought not nor cannot, without deserting their Trust, depart from their former Vote communicated to your Lordships.

‘ That the Lords spiritual ought not to have any Vote, &c.’

These Reasons, &c. were the same Day delivered to the Joint-Committee, of which Sir John Trevor made Report as follows: ‘ That the Lords of the Committee had given this Answer. That they had no Power from their House to give any farther Answer to those Matters, or to debate the same with the Committee of this House.’

The Consequence of this Report was a Resolution, that a Conference be desir’d with the Lords upon Matters of great Importance to the Kingdom, and for preserving a good Correspondency between the two Houses.

To this the Lords agreed; but, before the said Conference could take place, the King came to the House of Peers; and without a Speech prorog’d the Parliament to August 14.

The fourth Parliament, 1679.

Prorogu’d.

Meets again.

October 17, 1679, the new Parliament met and took the Oaths before certain Lords deputed by the Duke of Ormond Lord Steward of the Household, for that purpose; after which the Parliament were prorogued till January 26.

At which time they met again, and his Majesty vouchsafed to attend, and express himself from the Throne, to the following purpose:

The King’s Speech.

‘ **T**HAT, when he declar’d in Council, his Intention of putting off the Parliament to a time so remote as November, it was not without mature Consideration; that he could not be persuaded from any thing that had happened since, in reference to Affairs within the Kingdom, to alter or repent of that Resolution; that, notwithstanding, considering the present Danger which threatned some of our Neighbours and Allies, he thought fit to appoint a Day for their meeting again in April; yet the Distractions and Jealousies at home were of such a nature, and so heightened

• Heightened and improved by the Malice and Industry of
 • ill Men, that he was unalterably of opinion, That a longer
 • Interval of Parliament would be absolutely necessary for
 • composing and quieting of Men's Minds: In order to
 • which, he was afraid the most proper Remedies would
 • prove ineffectual, without the Assistance of some farther
 • time. He resolved, therefore, that, on the said Meeting
 • in April, there should be a farther Prorogation, unless
 • the Condition of our Allies abroad did then require our
 • immediate Assistance.

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The Lord Chancellor, by his Majesty's Command, pro-
 rogu'd the Parliament to the 15th of April; from which Day
 it was again prorogu'd five times more; but on the 22d of
 October, met for the Dispatch of Business, when his Majesty
 was pleased to make the following Speech:

The Parliament
 prorogu'd fix
 times.

Meets again,
 1680.

My Lords and Gentlemen,

• **T**HE several Prorogations I have made, have been
 • very advantageous to our Neighbours, and very use-
 • ful to me; for I have employed that time in making
 • and perfecting an Alliance with the Crown of Spain,
 • suitable to that which I had before with the States of the
 • United Provinces, and they also had with Spain, consisting
 • of mutual Obligations of Succour and Defence. I have
 • all the reason in the world to believe, that what was so
 • much desired by former Parliaments, must needs be very
 • grateful to you now: For though some, perhaps, may wish
 • these Measures had been taken sooner; yet no Man can
 • with reason think that it is now too late; for they who
 • desire to make these Alliances, and they who desire to
 • break them, shew themselves to be of another opinion.
 • And as these are the best Measures that could be taken
 • for the Safety of England, and Repose of Christendom,
 • so they cannot fail to attain their End, and to spread and
 • improve themselves farther, if our Divisions at home, do
 • not render our Friendship less considerable abroad.

The King's
 Speech to both
 Houses.

• To prevent those as much as may be, I think fit to re-
 • new to you, all the Assurances which can be desired, that
 • nothing shall be wanting on my part to give you the fullest
 • Satisfaction your Hearts can wish. for the Security of the
 • Protestant Religion; which I am fully resolved to main-
 • tain against all the Conspiracies of our Enemies, and to con-
 • cur with you in any new Remedies, which shall be pro-
 • posed, that may consist with the preserving the Succession
 • of the Crown in its due and legal course of Descent. And,
 • in order to this, I do recommend it to you, to pursue the
 • further Examination of the Plot, with a strict and an im-

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partial Enquiry. I do not think myself safe, nor you neither, till that Matter be gone through with, and therefore it will be necessary that the Lords in the Tower be brought to their speedy Trial, that Justice may be done.

I need not tell you what danger the City of Tangier is in, nor of what Importance it is to us to preserve it. I have, with a mighty Charge and Expence, sent a considerable Relief thither; but constantly to maintain so great a Force as that War will require, and to make such new Works and Fortifications, without which the Place will not be long tenable, amounts to so vast a Sum, that without your Support, it will be impossible for me to undergo it: Therefore I lay the Matter plainly before you, and do desire your Advice and Assistance.

But that which I value above all the Treasure in the World, and which I am sure will give me greater Strength and Reputation both at home and abroad, than any Treasure can do, is, a perfect Union among ourselves. Nothing but this can restore the Kingdom to that Strength and Vigour which it seems to have lost, and raise us again to that Consideration which England hath usually had.

All Europe have their Eyes upon this Assembly, and think their own Happiness or Misery, as well as ours, will depend upon it. If we should be so unhappy, as to fall into such a Misunderstanding among ourselves, as would render our Friendship unsafe to trust to, it will not be to be wondered at, if our Neighbours should begin to take new Resolutions, and perhaps such as may be fatal to us.

Let us therefore take care that we do not gratify our Enemies, and discourage our Friends by any unreasonable Disputes. If any such do happen, the World will see it was no Fault of mine; for I have done all that was possible for me to do, to keep you in Peace while I live, and to leave you so when I die. But from so great Prudence and good Affection of yours, I can fear nothing of this kind, but do rely upon you all, that you will use your best Endeavours to bring this Parliament to a good and happy Conclusion.

After this Speech, the Lord Chancellor, by his Majesty's Command, directed the Commons to return to their House, and to proceed to the Choice of a Speaker, when William Williams Esq; was unanimously elected; and was approved the next Day by his Majesty.

The first Debate began October 26, five Days after the Meeting of the Parliament, which the Lord Russel opened with the following Speech:

Mr.

‘ Mr. Speaker, Sir, seeing by God’s Providence, and his Majesty’s Favour, we are here assembled, to consult and advise about the great Affairs of the Kingdom, I humbly conceive it will become us to begin first with that which is of most consequence to our King and Country, and to take into consideration how to save the main, before we spend any time about Particulars. Sir, I am of opinion, that the Life of our King, the Safety of our Country and Protestant Religion, are in great danger from Popery; and that either this Parliament must suppress the Power and Growth of Popery, or else that Popery will soon destroy, not only Parliaments, but all that is near and dear to us. And therefore I humbly move, that we may resolve to take into our consideration in the first Place, how to suppress Popery, and to prevent a Popish Successor; without which all our Endeavours about other Matters will not signify any thing, and therefore this justly challengeth the Precedency.’

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Lord Russel.

‘ Mr. Speaker, Sir, I stand up to second that Motion, and to give some Reasons, with your Permission, why I agree in it; not doubting but other Persons will be of the same opinion, if they have the same Sentiments of what Influence the Popish Party have had in the Management of most of our Affairs both at home and abroad, for many Years last past; and how that Party hath increased, and been encouraged. Sir, I remember, that, after his Majesty’s happy Restoration, it was thought convenient that an Act of Uniformity should pass, as the best Law that could be invented, to secure the Church from the Danger of Popery and Fanaticism, and accordingly it did pass in the Year 1652; but in the Year 1663, some, that then managed the great Affairs of State, or at least had great Interest with his Majesty, were of another opinion: For they had prevailed with him to grant a Toleration and Indulgence, and to make a Declaration to that purpose. The Parliament assembling soon after, thought it very strange, that in one Year an Act of Uniformity should be the best way to preserve the Church, and that in the next Year, a Toleration and Indulgence: therefore, after a serious Debate about it, in February 1663, they made an Address to his Majesty, humbly representing how it would reflect upon the Wisdom of that Parliament, to have such an Alteration made so soon; and that such Proceedings, for aught they could foresee, would end in Popery. Upon which his Majesty, out of his great Goodness, stopped the issuing out of the said Toleration, hearkening rather to the Advice of his Parliament, than to any private Counsellors. Sir, I cannot inform you who it was that gave that Advice to his Majesty, nor certainly affirm they were popishly affected; but, if I may take the liberty to judge of

Sir Henry Capel,

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a Tree by its Fruit, I have some reason to think so; because I find by Coleman's Letters, and other Discoveries, that a Toleration and Indulgence should be one of the great Engines they intended to use for the establishing of Popery in this Nation. But the Project thus failing at this time, they were forced to wait with Patience until they could have another opportunity; employing in the mean time their diabolical Councils, in weakening the Protestant Interest, (in order to a general Destruction of it) by engaging us in a War with Holland. In which the French acted the same Part in the Behalf of the Dutch, as they did afterwards in our Behalf against them, 1672; very fairly looking on both times, while we poor Protestants with great Fury destroyed one the other. But this was not so strange, nor so plain as the dividing of our Fleet under the Command of Prince Rupert and General Monk, and the Design of destroying them as well as their Ships, and the rest of our Navy Royal at Chatham. And as they thus acted their part at Sea, so they did not forget to do their best ashore; in April 1666, some Persons that were then hanged, fairly confessed they had been treated with, and had treated with others, to burn the City of London in September following, of which Confession we then took as little notice, as we have of other Discoveries against Papists since; however, accordingly in September, thirteen thousand Houses of the City of London were burnt; and those that were taken in carrying on that Work, generously discharged without any Trial; and one Papist, that confess'd that himself and others did set the City on fire, was in great haste hanged, and so the Business was hushed up as completely as the late great Plot is like to be now, branding Hubert, that then made that Confession, with Madness; as now these last Witnesses with Perjury, Sodomy, and what not. However, these Businesses were not so carried, but his Majesty discerned some of the Intrigues of them, which made him alter his Councils, and, contrary to the Endeavours of that Party, enter into new Alliances, by making up that excellent League, usually called the Triple League; which put a stop to these Mens Designs as to Affairs abroad, but not to their Designs here at home. For having obtained the Oxford Act, and some others against the Dissenters, great Endeavours were used to have them executed severely, in expectation that the Dissenters would soon be made weary of living quietly under them, and in the end be glad of a Toleration; but the Dissenters deceived them, and submitted to the Laws; insomuch that in 1670 to 1671, there was hardly a Conventicle to be heard of in England: And might never have been more, if that Party had not been afraid of

a great Disappointment thereby; wherefore to revive our Divisions, and to bring in (as they hoped) their own Religion, they employed all their Force again to get a Toleration. I say they did it; because it cannot be imagined it could be from any Protestant Interest; both Church-men and Dissenters publicly declaring their Detestation of it. And in 1672, it was obtained, printed, and published. After we had, in order to the carrying it on, broke that never to be forgotten triple League, sacrificed our Honour to the French, not only by making a strong Alliance with them, but by seizing the Dutch Smyrna Fleet, and then afterwards proclaiming War with them. Which War continued in order to ruin us both; for the French proved but Lookers-on at Sea, (as they had done when engaged with the Dutch in 1665,) though great Conquerors at Land, especially of the Protestants in Germany and Holland. And as this Toleration was accompanied with these great Alterations in Affairs abroad, so it was backed, 1. With a great Minister of State at the Helm at home, who was so confident of the refixing Popery here, that he could not forbear to declare himself to be of that Religion; I mean my Lord Treasurer Clifford: as also, 2. With a great Army at Blackheath, ready upon all occasions: and, 3. With the greatest Violation on the Property of the Subject, that ever happened in this Nation, the seizing of one Million and an half, or thereabout, in the Exchequer. All which indeed made our Condition desperate, and, as many thought, past Retrieve. But Mr. Speaker, here again the Goodness and Wisdom of his Majesty saved us, refusing to follow such pernicious Counsels; upon which Clifford not only lost his Place, but his Life too, breaking his Heart (as is by most believed) to see himself so disappointed in this great Design. And here, as we can never too much detest my Lord Clifford, and such others, who contrived our Ruin; so we can never sufficiently admire his Majesty's Royal Care, in working out our Security, by refusing to follow any Advice that tended to those Ends. And therefore, to the great Disappointment of that Party, at the Request of the House of Commons at their next Meeting, he recalled the said Toleration, disbanded the Army, and in convenient time made a Peace with Holland. But though this Party were thus defeated of their Design, yet not so discouraged as to give it over. They changed their Measures, but not their Principles; and although they desisted from farther aiming at a Toleration, yet they no ways neglected pursuing a Reformation; but in order thereto, prosecuted a Correspondence formerly begun for that purpose with the French King, and, by promising him considerable Supplies, to carry on the War he was then engaged in, secured themselves,

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themselves, as they thought, of his Assistance for the settling of Popery here. Accordingly, it is not unknown, what a Party of Men, and what Quantity of Ammunition, and other Necessaries for War, were sent to the French King, during the War he was then engaged in; and how it was done contrary to the Advice of the Parliament, and the Solicitations of most of the Princes in Europe, and true Interest of England, to the Astonishment of all good Men; especially because it was contrary to his Majesty's own Proclamation, and when the French had declared they made that War for Religion, endeavouring to force the Dutch to allow of Popish Churches. However such was the Strength of this Party, that this Assistance was continued until the French King was willing to make a Peace, and then who more instrumental than our Ministers to effect it? Several Embassadors, and Plenipotentiaries too, being sent as well to the Court of Spain, as Germany and Holland, for that purpose. And at last, the Dutch being weary, and consumed with the War, they were persuaded to be willing for a Peace, and accordingly the 10th of January 1676, entered into a Treaty with us for a general Peace, to be accomplished by such ways and means as are therein prescribed. Which League was kept private for some time, and instead of any Discovery thereof, about the end of February following, (the Parliament being then soon after to assemble) a great noise was made of entering into a War with France, it being concluded, that nothing like that would incline the Parliament to give Money, nor the People freely to part with it, because it was the only way to extinguish those Fears they lay under, by reason of the growing Greatness of France. At the Meeting of the Parliament, the Project was set on foot with all the Art and Industry imaginable; and so far were the major Part of the Members persuaded of the Reality thereof, that they were inclinable to give a great Sum of Money for the carrying on of the War; but while they were in consultation about it, the League formerly mentioned, agreed at the Hague, was unluckily made (in some measure) public, and occasioned a great Jealousy of the Reality of the pretended War. And the greater, because upon an Enquiry, they could not find there were any Alliances made to that purpose. And yet notwithstanding this, and the great Endeavours of some worthy Members of that Parliament, (now of this;) an Army of thirty thousand Men were raised, and a Tax of above 1,200,000 Pounds was given. And then, instead of a War, a general Peace, according to that Treaty agreed with Holland, was presently made. By which that Party thought they had secured, not only the Power of France, but the Men and Mo-

They here raised at home, to be made serviceable for their ends; there wanting nothing but a Popish King to perfect all these Designs. For which we have great reason to believe they had made all necessary Preparation, as well by employing Men and Money, to find out wicked Instruments to take away the King's Life, as by providing one * Cleypole to be a Sacrifice, to make an atonement for the Act, and to cast the Wickedness thereof on the Fanatics. To which purpose the said Cleypole was really imprisoned some time before in the Tower, upon the Evidence of two Witnesses, that he should say, that he and two hundred more had engaged to kill the King, the next time he went to New-Market. For which, in all probability, he had as really been hanged, if the breaking out of the Plot had not prevented their Designs. Then was Cleypole, the next Term after, publickly cleared at the King's-Bench Bar, the Witnesses appearing no more against him. Thus were we again reduced to a miserable condition; but it pleased God, by the Discovery of the Plot by Dr. Oates, once more to save us; whose Evidence (he being but one Witness) they thought at first to have out-braved; but some of them being so intuated as to kill Justice Godfrey, and Coleman so unfortunate as to leave some of his important Papers in his House, notwithstanding the time he had to convey them away, it wrought so great a Fermentation in the People, as that there was no Remedy, but that the farther Pursuit of the Plot must be again laid aside, and a fair Face put upon things. And so accordingly there was for a few Months; but how, after Wakeman's Trial, Things turned again, what Endeavours have been since used to ridicule the Plot, to disparage the old Witnesses, to discourage new ones, to set up Presbyterian Plots, and to increase our Divisions, I suppose must be fresh in every Man's Memory here, and therefore I shall not offer to trouble you therewith.

But, Sir, I cannot conclude without begging your Patience, while I observe how things have been carried on in Scotland and Ireland, answerable to what was done here.

In Ireland, the Papists are at least five to one in Number to the Protestants, and may probably derive from their Cradle an Inclination to massacre them again: at least the Protestants have no Security, but by having the Militia, Arms, and the Command of Towns and Forts in their hands. But about the same time, or a little before that the Toleration came out here, in 1672, an Order went from hence, which, after a long Preamble of the Loyalty and Affection of the Papists to his Majesty, required the Lord

TO ME I

B b b

Lieu.

* A Gentleman of Fortune in Northamptonshire, who marry'd the Protector Cromwell's favourite Daughter, and was beside, his Master of the Horse, and one of his House of Lords.

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Lieutenant and Council to dispense with the Papists wearing of Arms, and living in Corporations, and a great many other things in their favour; of which they have made such use, as that the Plot there was in as good readines as that here: but how carried on, and how Endeavours were there also used to stifle it, will appear when your Leisure may permit you to examine those Witnesses.

‘ In Scotland, the Government is quite altered, the Use of Parliaments in a manner abolished, and the Power of that Government lodged in a Commissioner and Council, a standing Army of twenty two thousand Men settled, all Endeavours used to divide the Protestant Interest, and to encourage the Papists By which we may conclude, that the same Interest hath had a great hand in the Management of Affairs there also.

‘ And, Sir, may we not as well believe, that the World was at first made of Atoms, or by chance, without the Help of an omnipotent Hand, as that these Affairs in our little World have been thus carried on, so many Years together, so contrary to our true Interest, without some great original Cause, by which the Popish Interest hath so far got the Ascendant of the Protestant Interest, that, notwithstanding, all his Majesty’s Endeavours, Things have been strangely overruled in favour of that Party; how and which way, his Majesty’s Declaration made in April 1679, is to me a great Manifestation.

‘ Sir, I hope the Weight of the Matter I have discoursed on, will plead my Pardon with the House for having troubled you so long: I submit what I have said to your Judgment, humbly desiring a favourable Construction; and although I have said some things that are very strange, and other things grounded only on Conjectures, yet I believe that no Man will have just reason to doubt the Probability of the Truth, if they will but consider what a potent Friend the Papists have had of James Duke of York, and how emboldened by the hopes of having him for King. And as it is not to be doubted but that they have had his Assistance, so they have had the French Ambassador’s too; who, by his frequency at the Palace, had seemed rather one of the Family and King’s Household, than a Foreign Ambassador; and by his Egress and Regress to and from his Majesty, rather a Prime Minister of State of this Kingdom, than a Counsellor to another Prince. And the Truth of all hath been so confirmed by Coleman’s Letters, making the Duke’s Interest, the French Interest, and the Papists Interest so much one, and by the many Witnesses that have come in about the Plot, that I think we may rather be at a loss for our Remedy, than in doubt of our Disease. And therefore, though I know the difficulties I may bring myself under, by having
thus

thus laid open some Men's Designs; yet seeing my King and Country have called me to this Service, I am resolved, that as my Father lost his Life for King Charles I. so I will not be afraid to adventure mine for King Charles II. and that makes me expose myself in his Service in this place.

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' Sir, I think (seeing things are thus) without neglecting our Duty to our King and Country, nay to our God too, we cannot defer endeavouring the securing the King's Person, and Protestant Religion, by all lawful means whatsoever; and therefore I second the Motion that was made, that we may, in the first place, take into our consideration, how to suppress Popery, and prevent a Popish Successor; that so we may never return again to Superstition, Idolatry and Slavery, but may always preserve that pure Religion, to be the Religion of this Nation, for which so many of our Fore-fathers have suffered Martyrdom, I mean the Protestant Religion, as long as the Sun and Moon endures.'

' Mr. Speaker, Sir, the Popish Party have not only had a great influence on the Management of our Affairs, both foreign and domestic, while they could do it under a Disguise; but notwithstanding the Discovery of their whole Plot, have ever since gone on triumphant, as if they were not afraid of any Opposition that can be made against them. Although the most part of Dr. Oates's Discovery was no news to most Men; and the great Correspondence which Coleman had held with foreign Parts, had been generally observed for some Years: yet what Difficulties were there raised against believing of Oates's Testimony, and against apprehending of Coleman's Person, and seizing of his Papers; by which he had opportunity to carry away the most part, and by that means prevented a great deal of Evidence, which we should otherways have had against that Party; though by chance he left enough to hang himself. And as their Power, or the Respect which was borne them, appeared in this; so their great Confidence in the never-to-be-forgotten Death of Sir Edmund-bury Godfrey, which doubtless they accomplished, (as to conceal Evidence, so to intimidate Justices and others from doing their Duty,) with great assurance, that those who did it should never have been brought to Justice. And I must confess, we took a strange unheard-of way, either to do that, or prevent the going on of the Plot: For in October, after the Plot broke out, no less than fifty-seven Commissions were discovered for raising of Soldiers, granted to several Popish Recufants, with Warrants to muster without taking the Oaths of Allegiance and Supremacy, or Test; counter-signed by the then Secretary of State. Of which the Parliament taking notice, they were soon after dissolved, in the midst of the Examination of the

Sir Francis
Winnington

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Plot. And the next that was called, though composed of true English Gentlemen, as soon as they fell severe upon Popery, had no better success; certainly, Sir, not by the Prevalency or Advice of any true English Protestants; and who then may be presumed to have given such Advice, I leave to your Judgment. These two Parliaments being thus dissolved, a third was summoned, but was not permitted to sit, but, on the contrary, put off by several Prorogations. At which the People being discontented, their Fears and Jealousies arising from the Papists increasing, from which they knew they could not be effectually secured but by a Parliament; several Counties and Cities joined in petitioning his Majesty for a Parliament. But it being foreseen that every thing that tended to make way for the Meeting of Parliaments, was dangerous, such was the Influence of that Party, as that they obtained a Proclamation, penned I think by Coleman himself, or by somebody that had no more love for the Protestant Religion than he, forbidding petitioning as seditious and tumultuous. And that nothing should be wanting to shew their Power, at length, by the Endeavours of some great Men, some credulous and ambitious Men were drawn in to be Abhorers. Good God! Where were these Men's Senses, that in a time when the Nation was in such imminent danger, there should be any good Protestant that should abhor petitioning for a Parliament? But I hope this House will have a time to speak with those Gentlemen, and mark them with the Brand they deserve. And now that it was found, that there were a good, easy sort of credulous People that might be wrought upon, it was thought high time to have a Counter-Plot, that might swallow up that of the Papists, and restore them to their former Credit. How far this was carried on by good Men and bad, I am loth to particularize; but I cannot but observe, that Dangerfield had more Money and Encouragement given, while he was carrying on of that Plot, than I could ever hear he hath had since the Discovery of it. But though it be not strange, that the Papists should be so wicked, as to contrive such a Design, for the casting of the Plot upon the Protestants, though with the Loss of so many honest Mens Lives, as was intended; yet it is strange to see how willing many Protestants, especially of those who have reason to think themselves of the best sort, were to believe it; and how little pleased with Dangerfield, for the great service he did in discovering that wicked Plot. So powerful and so lucky are the Popish Party, in infusing of Animosities amongst us, tending to divide us, and so willing are we to entertain them to our Destruction. And as the Popish Party have been very industrious in the contriving of Reports and Plots, to remove the

all Reports they lie under, and have had a great Influence Anno 32 Car. II.
in managing of Parliamentary Affairs; so we may presume 1680.
they have had in the dispensing of Justice, as may appear
by considering what hath been done by our Judges of
late.

At Wakeman's Trial, those Persons who at former Trials had been treated with that respect that is due to the King's Evidence, and whose Credit and Reputation had stood clear without Exception in all other Trials, were now not only brow-beaten, but their Evidence presented to the Jury as doubtful, and not to be depended on; and so at all other Trials of Papists from that time forward. By which many of the greatest Offenders were quitted and cleared as to the Plot, and those that were brought for defaming the King's Evidence, and suborning Witnesses in order thereto, very kindly treated, and discharged with easy Sentences, especially if Papists; but if Protestants, though only for printing or vending some unlicensed Book, were imprisoned and largely fined. But I beg leave to particularize in the Case of one Carr, who was indicted for printing a weekly Intelligence, called, *The Packet of Advice from Rome; or, the History of Popery*. This Man had a strange knack of writing extraordinary well upon that Subject, and the Paper was by most Persons thought not only very ingenious, but also very useful at this time, for the Information of the People, because it laid open very intelligibly the Errors and Cheats of that Church. However, upon an Information given to the Court of King's-Bench against this Carr, this Rule was made:

Ordinatum est, quod liber intitulat' The Weekly Packet, &c. non ulterius imprimatur, vel publicetur, per aliquam personam quamcunque. Per. Cur.

I think it amounts to little less than a total Prohibition of printing any thing against Popery.

The true English Protestants being thus prevented of having Parliaments to redress their Grievances, and to secure them against the Fears of Popery, as also from petitioning for Parliaments, or writing for the Protestant Religion, they had Recourse to their old Way of presenting Grievances by Juries. But Advice being given, that some great Papists were concerned in the Presentment, particularly the Duke of York, the Jury was dismissed in an extrajudicial Manner, and so no Remedy in the World allowed for poor Protestants. What an unhappy Star were we born under, that Things should be thus carried against us, in the whole Course of our Government, whilst we have a wise Protestant King over us? What may not be expected under a Popish King, if it should be our Misfortune to have any? And therefore, I think,

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1680.

Ralph Montagu,

think, Sir, we ought to endeavour to prevent it, by consulting in the first place how to suppress Popery, and prevent a popish Successor, which is my humble Motion.

Mr. Speaker, Sir, you have heard what an influence the Popish Party hath had in the Management of all our Affairs of greatest Importance, almost ever since his Majesty's happy Restoration; how the making of Peace, or War, or foreign Alliances, hath been over-ruled by that Party, to the great danger of the Nation, and Protestant Religion both at home and abroad: Inasmuch as it may be justly feared, that there is a general Design to root out that Religion from the face of the Earth; which may not be difficult to be done, if by establishing Popery here, Assistance to the Protestants abroad may be prevented; or by destroying the Protestants abroad (which are so many Bulwarks to us) we should be left to resist alone. You have also heard how that Party hath influenc'd the Resolutions made touching Parliaments and Affairs here at home. The truth is, Sir, that Interest is crept into our Court, and hath a great power in our Councils; it is crept into our Courts of Justice, and hath a great Command in our Army, our Navy, our Forts, and our Castles, and into all Places upon which our Security depends. And it is impossible it should be otherwise, as long as we have a Popish Successor, and that Party the Hopes of a Popish King. And I humbly conceive that it is very obvious, that as long as that Party hath such a power, not only our Religion, but the Life of his Majesty, and the whole Government, is in danger. And therefore I think we cannot better comply with our Duty to our King and Country, than in resolving to use our utmost Endeavours to extirpate Popery, and prevent a Popish Successor; and therefore I would desire you would be pleased to put the Question.

Resolved, nem. con. That it is the opinion of this House, that they ought in the first place to proceed effectually to suppress Popery, and prevent a Popish Successor.

The 27th of October, 1680.

Hugh Bosawen
Esq;

'Mr. Speaker, Sir, yesterday you made a Resolve, declaring what you intended to do in reference to Popery; by which you may conclude, you have made many Enemies at Court, or of such as usually frequent it. And it may justly be expected, that they will rather use their Endeavours to destroy you, than permit you to destroy them. And if we may take our Measures from the Power they have discovered, in the Dissolution of the last Parliaments, and many Prorogations of this, in a time when there was never more need of the sitting of Parliaments, because of the great danger that did arise from that Party, we may conclude, it may be possible for them to do the like again. Therefore, that we may not be

be wanting in doing what we can, in order to create in his Majesty a good Opinion of this House; let us make an humble Address to his Majesty, to assure him of our Loyalty, and Readiness to stand by him with our Lives and Fortunes. And, that, when his Majesty shall be pleased to grant us such Bills, as are absolutely necessary for the Security of the Protestant Religion, we will be ready to supply him, with what Money his Occasions may require for the support of his Government, and the Protestant Religion both at home and abroad.

Anno 22 Car. II.
1680.

Moves for an
Address to pre-
mise a Supply.

Sir, I do not move this without some Reason: I am jealous that those which are for the Popish Interest, do endeavour to represent this Parliament to his Majesty as fanatical and seditious; that we will do nothing but arraign his Government, wound his Ministers, destroy his Brother, and endanger his Royal Person; and that no Supplies can be expected from us. Which false Suggestions of that wicked Party, we may do well to prevent. And therefore, I humbly move you, that a Committee may be appointed to draw up some such Address upon the Debate of the House.

To which several Persons made Opposition, alledging that in the late long Parliament, they had often been drawn in, to give Money by such Addresses; and that, in that Parliament no such Addresses were ever made, but it ended in Money; because the Word of a House of Commons pledged to the King, is always to be understood, as may best preserve the Reputation of the House, which ought to be kept inviolable.

It was answered, That it was not strange that it was so in the long Parliament, being composed of so many Pensioners, who were to have a Share of what they gave; but the case being now altered, and the Parliament composed of Persons that disdained such wicked Practices, and the House being Masters of their own Votes, there could be no Danger of making such an Address in that House.

Resolved, That an Address be made to his Majesty, declaring the Resolution of this House, to preserve and support the King's Person and Government, and the Protestant Religion at home and abroad.

And carry'd

Mr. Speaker, I crave leave to mind you of a great Infringement which hath been made of the Liberty of the Subject, since the last Session of Parliament. Sir, many good Protestants thinking it very strange, that two Parliaments should be dissolved, without doing any thing material against Popery, and a third so often prorogued in a Time of such imminent Danger; and foreseeing the Ruin such Delays might bring upon them, resolved to petition his Majesty; and accordingly in several Counties and Corporations, Petitions,

Sir Gilbert
Gerrard.

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tions, humbly praying his Majesty to let the Parliament sit, were drawn up, and signed by many thousands of his Majesty's good Subjects, in a peaceable and quiet Way, and delivered to his Majesty by no greater Number of Persons than is allowed. But although this was conformable to Law, and the Duty of good Subjects, considering what Danger his Majesty's Person and the Protestant Religion was in, yet it was traduced to his Majesty as seditious and tumultuous, and forbidden by a Proclamation, and great Affronts and Discouragements given to such; as either promoted or delivered the said Petitions; and at last several Persons in many Places were set up to declare at the Assizes, and other public Places, an Abhorrency and Detestation of such Petitioning.

' Sir, I humbly conceive the Subjects of England have an undoubted Right, to petition his Majesty for the sitting of Parliaments, and redressing of Grievances; and, that considering the Circumstances we are under, we have no Reason to lose it. If it should be our Unhappiness to have a popish King, may he not be surrounded with Popish Counsellors, so as that poor Protestant Subjects may be debarred of all other Ways whatsoever of making known our Complaints to him; and must we lose this too? Sir, I think it is so necessary, and material a Privilege to the Subject, as that we ought, without loss of time, to assert our Rights to it: and therefore I humbly move you to make some Vote to that Purpose.'

Sir Francis
Winnington.

' Mr. Speaker, Sir, I am not only of Opinion with that worthy Member that spoke last, as to making a Vote for asserting the Right of the Subject to petition their Prince, but also for chastizing of those who have been so wicked and abominable, as to traduce it and abhor it. And to that purpose, I think, Sir, it will be convenient that we find out who advised or drew that Proclamation against it, and examine how a Petition that was made in Berkshire, was ordered to be taken off the File at a Quarter-Sessions, if worthy to be so called, there being but four Justices of the Peace, and two of them such obscure Persons as I cannot get their Names. And also make some Inspection into those Addresses that have been made against Petitioning, and by whom contrived, signed, or delivered. But this must be a Work of time; for the present, I humbly move you to pass one Vote to assert the Right of the Subject to petition the King; another of Censure on those Persons that have traduced it, and to appoint a Committee for your farther proceeding herein.'

Petitioning the
King, voted to
be the Right of
the Subject.

Resolved, That it is, and ever hath been, the undoubted Right of the Subjects of England to petition the King, for the Calling and Sitting of Parliaments, and redressing of Grievances.

Resolved,

Resolved, That to traduce such Petitioning as a Violation of Duty, and to represent it to his Majesty as tumultuous or seditious, is to betray the Liberty of the Subject, and contributes to the Design of subverting the ancient legal Constitution of this Kingdom, and introducing arbitrary Power.

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1680.

Resolved, That a Committee be appointed to enquire after all such Persons, that have offended against the Right of the Subject.

Mr. Speaker, Sir, I am very glad these Votes have past so unanimously; for Popery and Arbitrary Government can never be set up in this Nation, if we could be sure of frequent Parliaments. And therefore the asserting of the Right of the Subject in any thing which tends to that, may be of great use to this Nation. But, Sir, seeing you have taken this Business into your Consideration, I think we may do well to go a little farther with it, even at this time. I am informed some Members of the House are guilty of having acted contrary to those Votes; and I am of Opinion, that as they were not willing that we should sit here; so that we should be as willing not to have them sit amongst us. For, if it were a great Crime in others, much more in those that were chosen to assert the Rights and Liberties of the People. It is very unlikely that Men of such Principles should make good Parliament-Men; and I think it will very well consist with the Justice of the House, to begin with a Reformation amongst ourselves; and therefore I humbly move we may first proceed against such.

Being commanded to name such Members, he named Sir Francis Withins, who not being in the House, was ordered to attend the next day.

The same day, the House agreed, *nem. con* to the following Address: ' May it please your Majesty, We your Majesty's most dutiful and loyal Subjects, the Commons in Parliament assembled, being highly zealous for the Preservation of the Protestant Religion, your Majesty's Person and Government; and, resolving to pursue with a strict and impartial Enquiry into the execrable Popish Plot, which was detected in the two last Parliaments, and has been supported and carry'd on by potent and restless Practices; and Machinations, especially during the late Recesses of Parliament, whereby several Persons have been terrify'd and discouraged from declaring their Knowledge thereof; do most humbly beseech your Majesty, That, for the Security of such Persons who shall be willing to give Evidence, or make farther satisfactory Discovery concerning the same, to this House, your Majesty would be pleas'd to issue out your Royal Proclamation, assuring all the said Persons of your gracious

An Address for Pardon, to such as should make Discoveries of the Plot.

Anno 32 Car. II. 1680. Pardon, if they shall give such Evidence within two Months after the date of such Proclamation.

His Majesty's
Answer.

To this Address his Majesty was pleas'd to reply, ' That he did intend to direct such a Proclamation, and was resolv'd not only to prosecute the Plot, but Popery also: And to take care of the Protestant Religion establish'd by Law: And, that if the House join'd with him, and went calmly on in their Debates, without Heats, he did not doubt, but to beat down Popery, and all that belong'd to it.'

Sir Robert Can
expell'd.

A second Address.

The 28th, It having been prov'd, That Sir Robert Can, a Member, had publicly declar'd, That there was no Popish-Plot; but, a Presbyterian-Plot; and having, in his Defence, utter'd several reflecting Words against Sir J. Knight, another Member, who confirm'd the Evidence against him, the said Sir Robert Can was first order'd to the Tower, and then expell'd the House.

The 29th, The House agreed, *nem. con.* upon the following Address to his Majesty: ' May it please your most excellent Majesty: We your Majesty's most dutiful, &c. do with thankful Hearts acknowledge not only your Majesty's many former Royal Declarations of your Adherence to the Protestant Religion, in the Preservation and Protection thereof, but your farther Manifestation of the same, in your most gracious Speech to both Houses, at the Opening of this present Parliament; in which your Majesty is pleas'd to command us, strictly, and impartially, to prosecute the horrid Popish Plot; without which, we do fully assent to your Majesty's great Judgment, that neither your Majesty's Person, nor Government can be safe, nor your Protestant Subjects; it being Part of the Religion of Popery, wherever it can obtain, to extirpate all Protestants both Prince and People, which have caus'd in the Times of your Royal Ancestors, since the Reformation, that great Care to oblige their Subjects, against their Return to the Papal Yoke, in the very same Oaths, wherein they swear Allegiance to the Prince: And, as now the Eyes of all Protestant Kingdoms and States abroad, are upon us, and looking upon your Majesty, as the Royal Head of so many Protestant Countries, cannot but hope (upon a happy and solid Security in our Religion at home) that your Majesty will be the greatest Protection to them, from whom we may expect a mutual Assistance, as being involv'd in the same common Danger: As, we do humbly assure your Majesty, That we shall be always ready to preserve your Majesty's Person and Government; and to support the Protestant Religion, both at home and abroad; and, do humbly beseech your Majesty, to esteem all

all Persons whatsoever, who shall otherwise represent us to your Majesty, as those who design to divide the Union between the King and his People, and defeat the Meeting and Sitting of Parliaments, that those Popish Designs may succeed, which they know cannot otherwise prosper; and, this they have made most undeniably evident in the Interval of Parliament, by contriving with unparallel'd Insolence, and most damnable and wicked Designs, to transfer their own Crimes upon so many of your Majesty's Subjects, loyal Protestant Nobility and Gentry, hoping thereby to destroy those who with the greatest Zeal and Integrity, endeavour to discover and prosecute them.

To this Address, the King was pleas'd to answer as follows:

Gentlemen,

I thank you very kindly, for your great Zeal for the Protestant Religion: And I do assure you, there shall be nothing wanting on my Part, abroad, or at home, to preserve it.

The King's
Answer.

The same day, the House *Resolved*, as follows:

That Sir Francis Withins, by promoting and presenting to his Majesty an Address, expressing an Abhorrence to petition his Majesty for the Calling and Sitting of Parliaments, hath betray'd the undoubted Rights of the Subjects of England.

They then *Ordered*, That the said Sir Francis Withins be expell'd the House, for this high Crime. And, that he do receive his Sentence at the Bar of this House, upon his Knees, from Mr. Speaker, which was done accordingly.

Sir Francis
Withins ex-
pell'd.

The 30th, The House *Resolved*, for the first time, That their Votes should be printed, being first perus'd and sign'd by the Speaker: And, That the Speaker nominate and appoint Persons to print the same.

Votes first or-
der'd to be
printed.

Nov. 1. Mr. Trenchard acquainted the House, from the Committee, appointed to enquire after such Persons, as have offended against the Right of the Subject, to petition the King, for the calling and sitting of Parliaments, That Information was given to the said Committee, that the Lord Paston, Sir Robert Malverer, Sir Bryan Stapleton, Mr. Taylor and Mr. Turner, Members of the House, had discourag'd petitioning to his Majesty, for the calling and sitting of this Parliament; and had made Addresses to his Majesty, declaring their Dislike of such Petitions; and desired the Directions of the House how they should proceed therein.

Mr. Trenchard

Ordered, That the said Committee do receive such Informations as shall come before them against the said several Members, and all other the Members of this House, that

Order to proceed
against Mem-
bers, who had
address'd the
King, against
Parliaments.

Anno 32 Car. II. have offended therein, and make Report hereof to the
1680. House.

Sir Francis
Winnington.

The 2d, Sir Francis Winnington made a Report of what was found in the Lords Journal relating to the horrid Popish Plot.

Mr. Treby.

Mr. Treby reports what by order of the secret Committee he reported to the last Parliament relating to the Popish Plot.

Votes against
the Duke of
York.

After some Debates thereupon, *Resolved*, 'That the Duke of York's being a Papist, and the Hopes of his coming such to the Crown, hath given the greatest Countenance and Encouragement to the present Designs and Conspiracies against the King and Protestant Religion.'

Resolved, 'That, in Defence of the King's Person and Government, and Protestant Religion, this House doth declare they will stand by his Majesty with their Lives and Fortunes; and that if his Majesty should come to any violent Death, which God forbid, they will revenge it to the utmost on the Papists.'

Silas Titus.

'Mr. Speaker, Sir, I have observed from the Reports that have been read, and all the Evidence that I have heard about the Popish Plot, that it hath its Original, as you have voted, from James Duke of York; and it is not probable, in my Opinion, that the Popish Interest can ever decline, as long as there is a Popish Successor, and they have such Hopes of his coming to the Crown; and therefore I humbly move you, that a Committee be appointed to draw up a Bill to dis-able James Duke of York from inheriting the imperial Crown of this Realm.'

Lord Russell.

'Mr. Speaker, Sir, if we consider the Train of ill Consequences, that attend the having of a Popish Successor, and the certain Miseries that must fall on this Nation, if ever we should have a Popish King; and how impossible the one, or improbable that the other can be prevented, but by disinheriting the Duke of York: I think that as we cannot disagree, as to the sadness of our Condition, so it will be hard to find out any other Way to secure us; and therefore I second the Motion that was made by that worthy Member, that a Committee be appointed to bring in a Bill to disinherit James Duke of York.'

William Har-
bord.

'Mr. Speaker, Sir, we shall do ill to be mealy-mouthed, when our Throats are in such danger; therefore I will not be afraid to speak out, when speaking plain English is necessary to save our King and Country. Have we not heard, and is it not apparently true, that Peace and War, foreign Alliances, Meetings, Dissolutions, and Prorogations of Parliaments, Trials at Westminster-Hall, Resolutions in Council, and other Things of Importance, have been influenced by

a Popish Party, or Interest? And can we, Sir, imagine that these great Things should be done by a less Man than James Duke of York? Hath not the Examination of the Plot, in which the King's Life and all our Safeties is so much concerned, been kept off to Admiration, and the Witnesses discouraged even to Despair? Have not Counter-plots been set up, and carried on with a strong Hand, and false Witnesses in abundance, to destroy the true ones? From what Cause can such strange, unheard-of Effects proceed, but from the Power and Influence of a Popish Successor? And we have no great reason to admire it, if we consider how usual it is for Politicians to be given to Flattery, and to be led by Ambition, and how natural it is for Courtiers and great Ministers of State to worship the rising Sun. And, Sir, is it not easy to foresee what great Miseries may come to this Kingdom by such kind of Managements? Can any Man imagine, that, as long as there is a Popish Successor, there will not be a Popish Interest, and that by his Assistance it shall not be strong enough to contest with the Protestant Interest? Or rather, have we not seen it for many Years already? And how can it be otherways, as long as no Office, small or great, is disposed of without his Approbation; no, not so much as Preferment in our Protestant Church? And I think, unless you can destroy that in which the Interest centers, you will never destroy the Interest itself.

' Sir, I have no Ill-will for the Duke's Person, but rather a great Veneration, as he is descended from our past, and as Brother to our present King. But I think it ought not to stand in competition with my Duty to my King and Country, which can never be safe as long as this Interest is so predominate. And I think there is no other Way to suppress it, but by going to the Roots first: and therefore I agree in the Motion that hath been made, for appointing a Committee to bring in a Bill to disinherit James Duke of York.'

' Mr. Speaker, Sir, I agree with those worthy Members, William Goe. that have spoke to this present Business, that Popery hath for a long Time had a great Influence in the Management of our Affairs; and that the Protestant Religion and Government of the Nation is much in Danger thereby. But I hope that the Prudence of this House may find out some Expedient to secure the Nation, more likely to be brought to Perfection, than this of the Exclusion Bill. We all know, that his Majesty in his Speech at the opening of the Session, and formerly, hath declared, that he will consent to any thing you shall offer for the Security of the Protestant Religion; provided it consist with preserving the Succession in the due legal Course of Descent. As his Majesty is gracious to us, so I know we are all willing to carry ourselves with

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with all Respect and Duty to him; he offers you to consent to all other Ways you can propose, but seems resolved not to consent to this Way you are now upon. For my part, Sir, I am more afraid of an Army without a General, than of a General without an Army; and therefore I think, that if, instead of ordering a Committee to bring in a Bill for disinheriting of the Duke, you bring in a Bill for banishing all the Papists out of the Nation, and other Bills for the having of frequent Parliaments, and to secure good Judges and Justices, that so the Laws you have already, as well as what more you may make, may be duly executed, it may do as well, and be more likely to have good Success. And therefore I would humbly move you, that we may try these other Ways, and not offer to put this Hardship upon his Majesty, seeing he hath declared against this Bill, lest, by displeasing his Majesty, we should interrupt all other Affairs, which at this Time may be very unfortunate to this Nation, and our Neighbours too. The Eyes of Christendom are upon the Success of this Meeting; and the Peace, Quietness, and Honour of the Nation much depends thereon; and therefore, if the going on with this Bill should occasion a Breach, (which for several Reasons I am much afraid of) it may prove one of the greatest Misfortunes that could befall us. Sir, Moderation in all Things will always become this House, but especially in a Business of so high a Nature. The Duke hath not yet been either heard or found guilty, how can we then answer the passing of so severe a Sentence? We ought to be very careful in a Business of this Nature, that we do nothing but what we may be able to answer to the whole World. And therefore, Sir, I think that seeing his Majesty hath declared, that he will not agree with us in this Bill, and other Bills may be as effectual; I would humbly move you to think of some other Way, and for that Purpose to appoint a Day to have it debated in a Committee of the whole House.

Sir Henry
Capel.

Mr. Speaker, Sir, I cannot agree with that worthy Member that spoke last, and yet I have formerly given some Proof that I have been for Moderation, and God willing shall always be for it, when it may do good. In the two last Parliaments I did so argue for Moderation, that many of my Friends told me, that I had deserted the true Interest of my King and Country; but as the Loyalty which I pretend to derive from my Birth, made me slight such Surmises, so it shall always preponderate with me in all my Actions. Sir, I am of Opinion that this is a Case, in which there is no room for Moderation, if by Moderation be meant the making of any other Law for the Security of our Religion. Because, according to the best Judgment I can make, upon a full

full Consideration of the Matter, all other Bills that can be desired without this Bill, will not prove effectual; but will leave us in that unhappy Condition, of contesting with the Influence of a Popish Successor, during the King's Life, and the Power of a Popish King hereafter. Of what Danger this may be to his Majesty's Person at present, and the Protestant Religion for the future, I leave to every one to judge. It hath been said, that take away the Army, and you need not fear the General; but I say, that a General that hath the Power of a King, will never want an Army. And our Condition is so bad, that I am afraid we shall not be safe; without being free of the General and Army too; which I think, Sir, as the Case stands, we ought in Prudence to do, or else I am afraid we shall give but a bad Account to our Country, of having done any thing to the Purpose for the securing of our Religion. And therefore I am of Opinion you are under a Necessity of having this Bill brought in.

Mr. Speaker, Sir, I observe that the Arguments that have been offered against the bringing in of this Bill, are founded on his Majesty's Speech, and on a Supposition that other Bills may be as sufficient for our Security, and more easily obtained, seeing his Majesty hath so often declared; that he will not consent to the altering the Succession from its legal Course of descent. Sir, the King calleth his Parliament to give him Advice, and they cannot therein be restrained, but may give any Advice which they think may be necessary for the Security of his Person and Government. And it hath oftentimes happened, that Parliaments before now have many times offered such Advice to the Kings of this Nation, as hath not been grateful to them at first, and yet, after mature Deliberation, hath been well-received, and found absolutely necessary. When Clifford, or who else it was, had persuaded his Majesty to grant a Toleration in 1672, and to tell the Parliament in his Speech then made to them, that he would stand by it, and make it good; yet that House of Commons finding it of dangerous Consequence, and humbly offering such their Advice to his Majesty, he was pleased, notwithstanding the said Speech, to cancel the said Toleration. And if he had not, as we are in a bad Case now, so we might have been in a worse then. For aught I know, if that House of Commons had been so great Courtiers, as not to have concerned themselves in that Toleration, because of his Majesty's Speech, the Nation might have been ruined by Papists before this. And I think we are now under as great Danger, and I hope we shall not be less courageous, nor true-hearted. If a Man were sick of a Pleurisy, and nothing could save his Life but bleeding, would

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would it not be strange if his Physician, after having pretended that he is hearty for his Cure, should allow him all other Remedies but bleeding? Nothing like this can be presumed of his Majesty, of whose Wisdom and Goodness we have had so great Experience. And as to the second Branch of the Supposition, that other Laws may secure us as well; I have not heard any Arguments offered to make it good, and I must confess I cannot apprehend there can be any. I am sure the Experience of former Times shews us the contrary. It is plain from them, that Popish Princes have not thought themselves bound by any Laws against the Interest of the Church; and our Fore-fathers have found to their sorrow, that the Strength of our Laws were not sufficient to defend them against Popish Tyrannies. For no Prince of that Religion ever yet thought himself bound to keep faith with Heretics. After Queen Mary had seriously pledged her royal Word to the Suffolk-Men, to allow them their Religion, by which they became the greatest Instruments of putting the Crown on her Head; did she not in return put the Crown of Martyrdom on theirs? All other Laws that you can propose in this Case, must be grounded on some Trust or Fidelity, that must be reposed in that Party, for which no Argument can be given, but that they never kept any faith with Heretics, and therefore that we may do well to try what they will do. This I might prove by a sad, melancholy Account of the Massacres at Piedmont, Paris, and Ireland; but I suppose the History of them is well known to every one here, and therefore I will not trouble you therewith.

We are advised to be moderate, and I think we ought to be so; but I do not take Moderation to be a prudent Virtue in all Cases that may happen. If I were fighting to save my Life, and the Lives of my Wife and Children, should I do it moderately? If I were riding on a Road to save my Throat from Thieves, and I should be advised to ride moderately, lest I spoiled my Horse, would not such Advice seem strange at such a Time? And so certainly would it be, if I were in a Ship, (which may well be compared to a Commonwealth,) and it were sinking, would not the Advice to pump moderately, for fear of a Fever, seem strange? But, Sir, I admire, seeing Moderation is so much talked of, of late, and so much recommended, Why there cannot be other Objects found out, on whom to place it, as well as on the Papists. I know not why it should not be as agreeable to Christian Charity, and more for the Protestant Interest at this time, because it may tend to Union, to place it on the Protestant Dissenters, seeing we agree with most of them in Points of Faith, and only differ about a few Ceremonies.

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The moderateſt and meekeſt Man that ever was, ſeeing an Egyptian ſtruggling with an Iſraelite, ſlew the Egyptian; but at another time ſeeing an Iſraelite ſtruggling with an Iſraelite, it is recorded in Holy Writ, he parted them, ſaying they were Brethren. Of late many are at work to perſuade us, that the Church hath no Weapons but Prayers and Tears; this is a Notion come up amongſt us ſince the breaking out of the Plot, and, as far as I can obſerve, is only to hold good againſt Popery, for againſt Proteſtant Diſſenters we have always had, and can ſtill find, other Weapons. Sir, I will not trouble you farther, but conclude with my Motion for bringing in of the Bill.

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H. made a Speech reflecting on the Duke and Lord Clarendon, for making up the match for the King, as if they did it becauſe they foreſaw that the Queen would have no Children, and particularly on the Duke, for the Loſs of my Lord Sandwich, for clearing of Perſons taken in the Fire of London, the Death of Sir Edmundbury Godfrey, &c.

Mr. Speaker, Sir, I am ſorry to ſee a Matter of ſo great Importance managed in this Houſe with ſo much Bitterneſs on the one Hand, and with ſo much Jeſting and Mirth on the other; I think it is a ſerious Thing we are about, and that more Gravity would very well become, not only this Houſe, but the Subject of the Debate alſo. It is to me very unpleaſant, to hear a Prince, that hath ſo well deſerved of this Nation, by fighting our Battles, and ſo often appearing for us in War, ſo upbraided. I am apt to think he was far from being of opinion, the Queen would have no Children, and that he ſcorned any of thoſe other Actions that have been laid to his Charge; and therefore to hear ſuch Things ſaid, is a great Provocation. But, being I know where I am, I will lay my Hand upon my Mouth. But I hope you will pardon me, if, to comply with the Obligation of Nature, I declare myſelf much concerned to ſee the Aſhes of my dear Father thus raked out of the Duſt, and to hear his Memory blaſted by an Affirmation which cannot be proved: Becauſe I am confident he was not guilty. He and his Family ſuffered enough by his Miſfortunes, occaſioned by dark Interests and Intrigues of State. Many think he was ſeverely chaſtiſed while living; I am ſorry to ſee that ſome others cannot ſpare him though dead. But, for my comfort, I have heard that he was a good Proteſtant, a good Chancellor, and that we have had worſe Miniſters of State ſince. But I will not trouble you farther, but apply myſelf to the Buſineſs under Debate. Sir, I am of Opinion, that the bringing in of this Bill will be a great Hindrance to the Buſineſs of the Nation, and not attain your End. And alſo, I am concerned for the Juſtice of the Houſe; for though the Duke

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deserve great Mortifications, because he hath given so great a Suspicion of his being inclined to that Religion, and I believe doth not expect to come now to the Crown, on such Terms as formerly, but with such Limitations as may secure the Protestant Religion; yet I think it very hard for this House, to offer at so great a Condemnation without hearing the Person concerned, or having had any preceding Process. For my own part, I make it a great Question, whether it would be binding to him, or a great many other loyal Persons of this Nation; and if not, it may occasion hereafter a civil War. And without any just Fear, or Cause; for the King may very well out-live the Duke, and then all that we are about would be unnecessary; and why should we, to prevent that which may never happen, attempt to do that which we can never answer, either to our King or Country? I cannot apprehend that our Case is so desperate, but that we may secure ourselves some other way, without overturning Foundations. I cannot fear a General without an Army. By ridding ourselves of all other Papists, we may be safe, making such other Laws to bind the Duke, as may be necessary, by the Name of James Duke of York; which, and the small Revenues which belong to the Crown, without the Assistance of Parliaments, with such other Laws as may be contrived, I humbly conceive may be sufficient for our Security; and therefore it ought to be considered in a Committee of the whole House, that such as are for these Expedients, may have more freedom of Debate.

Silas Titus.

Mr. Speaker, Sir, I must beg your Leave to speak again, according to the Orders of the House, being reflected on. I can assure you, Sir, that what I have said upon this Subject, is so far from proceeding from a merry, jolly Humour, that it is rather from as great Sorrow as ever my Heart endured; being very sensible what Dangers we have undergone, and what Miseries we may hereafter suffer, by means of the Duke's being of this Religion. I hope, Sir, that Offences that proceed from natural Infirmities, will always find a favourable Construction in this House. If that honourable Member that spoke last, had but considered, that all Men have not that good Fortune to be born, with such a grave, majestic, sober Aspect as that (let them say what they will, it looks serious and weighty) he would not have been offended at my Discourse; but, Sir, for the Satisfaction of the House, that I am not in jest in this Business, I do declare, that I should be very sorry to be thus jested with myself.

Sir L. Jenkins

Mr. Speaker, Sir, the Question that ariseth from this Debate is, whether we had best proceed by an Extremity, or by Expedients. For I look on this Bill to be of the highest

est Nature that ever was proposed in the House of Commons, and the greatest Extremity imaginable, which I humbly conceive we ought not to proceed to, until we have made some trial of Expedients, which will be very useful. For it will give a great Satisfaction, not only to his Majesty, but to all other Persons in general that are against this Bill, by which the World will see that we were very cautious, how we offered at such an Extremity, and that we did not do it, until we had found all other Ways and Means whatsoever insufficient. I must confess, Sir, I think such a Bill would be against Law and Conscience, and that nothing less than an Army will be necessary to support it; and therefore I humbly move you, that we may debate this Business in a Committee.

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Mr. Speaker, Sir, I admire to hear that honourable Member make a Doubt as to the legality of this Bill; certainly, Sir, our legislative Power is unbounded, and we may offer to the Lords, and so to his Majesty, what Bills we think good. And it can as little be doubted, that the legislative Power of the Nation, KING, LORDS, and COMMONS, should want a Law to make Laws; or that any Laws should be against what Laws they make; otherways they cannot be legally opposed. And as I think it cannot be against Law, so neither against Conscience, unless it could be made out, that we ought in conscience to bring in Popery. I should be very glad to hear any Arguments to make good what hath been offered about Expedients; but I am afraid, when they come to be examined to the Bottom, they will be found very insufficient, and that we may as well think of catching a Lion with a Mouse-trap, as to secure ourselves against Popery by any Laws without the Exclusion Bill. Have we not to do with a sort of People, that cannot be bound by any Law or Contract whatsoever? Much less can their Words or Promises be depended on. Are they not under all the Obligations that can be offered, from the Temptations of this Life, as of that to come, not to keep faith with Heretics, but to break it when it may tend to the promoting of the Catholic Cause? And if Laws cannot bind other Persons, much less will it Princes that are of the Catholic Religion? Did they ever keep any League or Contract that was made with Protestants, longer than was necessary, in order to cut their Throats? What Use did the Papists make in Ireland of the Favours granted them by King Charles I? Did they not make use of it to the Destruction of the Protestants, by rising up in Rebellion, and massacring 100,000? Sir, I see Things go hard against Popery, I know not what to say to it, but I am afraid that if we should be so insatuated, as to let it creep on more and more upon us, and

Col. Birch.

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at last let it ascend the Throne again, that we shall soon have the same miserable Fortune our Fore-Fathers had in Queen Mary's Days, and be burnt in Smithfield for our Indiscretion.

'Sir, we are upon a Business of as great Importance as ever was debated within these Walls; for either we must suppress Popery, or be suppress'd by it. For although that Interest do not look so big, as that of the Protestants, yet I plainly see, that it hath wrought like a Mole under ground for a long time, and that it hath eaten into our Bowels, and will soon come to the vital Parts of the Protestant Religion, and destroy it too, if great care be not taken, and that speedily. I hear some say, that our Cares are needless at this time, because the King may outlive the Duke; which is as much as to say, there is no need of Laws against Popery, until we see whether we shall have occasion to make use of them, or no. But they do not tell us how we should be sure then to obtain them. I must confess such Arguments are so far from weighing with me, as that they increase my Fears, because it discovers a strange, easy, careless, indifferent Humour among us Protestants. Must our Lives, Liberties, and Religion depend upon may-be's? I hope it is not come to that yet: I am sure it will not consist with the Prudence of this Assembly to leave it so, but rather to endeavour to settle this Matter upon such a Foundation, as may (with as much probability as human things are capable of) secure us. I am of opinion, that such an Engine may be contrived, as should give such a whirle to the Popish Interest, as that it should never rise up against us again; I know of no Difficulty but the same which happened to Archimedes, where to fix it. And I am not altogether at a loss for that neither; for so long as we have a good King, I will not despair. And, Sir, I cannot fear any of those things that are objected against this Bill, that it is against Law, and therefore will occasion a civil War: For my part I never will fear a civil War in favour of Idolatry, especially when we have gotten a Law on our side to defend our Religion. Therefore I move you that the Bill may be brought in.'

Sir Thomas
Flayer.

J. 'Mr. Speaker, Sir, I have read in Scripture of one Man dying for a Nation, but never of three Nations dying for one Man; which is like to be our case. There hath been already so much said on this matter, and the Reasons that have been given for the bringing in of the Bill are so plain, that I should not have troubled you to have said any thing about it, but that I knew not how to have answered it to that great City for which I serve, not to have appeared in this Business, in which the Protestant Religion is so much concerned.

concerned. But, Sir, being I am up, I will beg leave to acquaint you, that I have been lately in company with a great many Persons, where I have heard the Duke cried up, and the King so slighted, that I must confess they made me afraid, they had thoughts of acting over here what was lately done in Portugal. Believe it, Sir, many are very industrious to make an interest for the Duke; if we should not use our endeavours to keep up the King's Interest, and that of the Protestant Religion, I am afraid they will be encouraged to embroil us in Blood before we are aware of it. I have no patience to think of sitting still, while my Throat is cutting; and therefore I pray, Sir, let us endeavour to have Laws that may enable us to defend ourselves. And I know not how we can have any that are like to prove effectual, without this for excluding James Duke of York; and therefore I humbly move it may be brought in.

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1680.

‘ Mr. Speaker, Sir, I have by many Years Experience observed, that it is very agreeable to the Custom, Prudence, and Justice of this House, to debate all things very well before a Question is put, but especially of great Importance. It hath formerly been thought a great thing, and hard to be born by some Princes, that any thing relating to the Prerogative of the Crown should be debated any where but in the Privy Council; and I have observed, that former Parliaments have done it with a great deal of Tenderness. And if so, well may a Bill that tends to the Alteration of the Succession, pretend to the Right of having a full and fair Debate, which I hope this solemn Assembly will not deny; many being to take their Resolutions from it in as great a Point as ever was debated in a House of Commons, for which we shall be answerable to our own Consciences, as well as to our King and Country. It is these great Considerations make me trouble you at this time, otherwise I might haply have been silent, because I am one of those that have been shot at by Wind-guns, which have prejudiced my Reputation; and therefore, until I should have had an opportunity to vindicate myself, and to shew that I am an Enemy both to Popery and arbitrary Government, I was more inclined to have been silent, and should not have troubled you, if the Nature of this Business had not laid on me a more than ordinary Compulsion. I do not doubt but every one that sits here is willing to take notice of what Arguments may be offered *pro* and *con*, it being the only way to pass a right Judgment in this matter, which is very necessary, because what Resolution you may take upon this Debate, will be examined not only within his Majesty's Dominions, but by most Princes and Politicians in Europe. And therefore that you ground your Resolution on such solid

Edward Seymour.

Reason,

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Reason, that may endure the Test of a plenary Examination, will be very necessary for the securing the Credit of this House, of which I know you are very tender.'

'Sir, I must confess I am very much against the bringing in of this Bill; for I think it a very unfortunate thing, that, whereas his Majesty hath prohibited but one thing only, we should so soon fall upon it. I do not see there is any cause, why we should fear Popery so much, as to make us run into such an extreme. We are assured there can be no danger during his Majesty's Life, so, upon an impartial Examination, we shall find there can be no great reason to fear it after his Death, though the Duke should outlive and succeed him, and be of that Religion. Have we not had great experience of his Love for this Nation? Hath he not always squared his Actions by the exactest Rules of Justice and Moderation? Is there not a possibility of being of the Church, and not of the Court of Rome? Hath he not bred up his Children in the Protestant Religion; and shewed a great respect for all Persons of that Profession? Would it not be a dangerous thing for him (I mean in point of Interest) to offer at any such Alteration of the Religion established by Law? Can any Man imagine that it can be attempted, without great hazard of utterly destroying both himself and his Family? And can so indiscreet an Attempt be expected from a Prince, so abounding in Prudence and Wisdom? But though we should resolve to have no Moderation in our Proceedings against Papists, yet I hope we shall have some for our selves. It cannot be imagined, that such a Law will bind all here in England, or any in Scotland; and it is disputed whether it will be binding in Ireland: so that in all probability it will not only divide us amongst ourselves, but the three Kingdoms one from the other, and occasion a miserable civil War. For it cannot be imagined, that the Duke will submit to it. And to disinherit him for his Religion, is not only to act according to the Popish Principles, but to give cause for a War with all the Catholic Princes in Europe; and that must occasion a standing Army, from whom there will be more danger of Popery and arbitrary Government, than from a Popish Successor, or a Popish King. Sir, it is very agreeable to the Weight of the Matter, and the usual Proceedings of this House, that this Business should be fully debated; and therefore I humbly move you it may be in a Committee.'

Sir Richard Graham made a long Discourse, shewing the Dangers and Miseries of a civil War, by a large Account of those between York and Lancaster. That this Bill, if it should pass, would lay a Foundation for such another. That it would not be binding either to Scotland or Ireland, and

and so consequently occasion a Division between the three Kingdoms, which had formerly been the occasion of Wars and Miseries, as well as our own Divisions amongst ourselves. Then gave an historical Account, to make out how fatal Divisions had proved to other Nations, and instanced in Theodosius, and others. That he thought it absolutely necessary, (if this Bill must be brought in,) to prevent a civil War, that the Successor should be named; which would need a great deal of Consideration; and if to debate Business of smaller Importance, it is usual for the House to resolve itself into a Committee, how could it be answered, that it should not be done in a Business of so great Importance, that so Expedients might be offered and debated, with more Freedom and Satisfaction than it was possible they could be in the House.

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‘ Mr. Speaker, Sir, I am of opinion, that Expedients in Sir William Politics are like Mountebank-tricks in Physic; as the one Pulteney. does seldom good to Bodies natural, so not the other to Bodies politic. Government is a weighty thing, and cannot be supported nor preserved but by such Pillars as have neither Flaws nor Cracks, and placed on a sure Foundation. And I am afraid, that all Expedients will be found to have far different Qualifications. I cannot foresee how the excluding of one Person, who hath a right to the Succession depending upon Contingencies upon such an account as this, should occasion a civil War; but rather do think there is a great deal more danger, not only of a civil War, but of our Religion and Liberty too, if we should not do it, and so have a Popish King. For I do believe, that such a King would soon have a Popish Council. For if there be eleven to seven now for the Interest of a Popish Successor, what may you not expect when you have a Popish King? And should you not then soon have Popish Judges, Justices, Deputy-Lieutenants, Commanders at Sea and Land; nay, and Popish Bishops too. For if there be none put into those Places now, that are for acting against a Popish Successor, well may we expect that none shall be put in then, but what are for a Popish King. And therefore I am astonished to hear any Man, that pretends to be a Protestant, argue, that in such a case we need not fear Popery; for it is indeed to argue for Popery, and must proceed from an Opinion that the Protestant Interest is very low, and not able to bear up any longer against Popery, or else that Protestants are very credulous and inconsiderate, and may be brought to destroy themselves with their own Hands. Must our Religion and Liberty have no Security but what depends on the Virtues and Goodness of a Prince, who will be in subjection to the Pope, and probably influenced by none but Jesuits and such Creatures?

Will

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Will it seem strange that such a Prince should compose his Privy Council of Persons inclined to that Religion; or that he should employ none others as Judges, Justices, Sheriffs, or Commanders in any Place of Trust either at Land or Sea? And can we think that by the many Endeavours which will be used, that the common People will not be debauched, and either be misled, or made indifferent in a little while? Is it not in the power of the King to nominate his Counsellors, Judges, Sheriffs, Commanders at Sea and Land? And can it be imagined, that he will not take care to nominate such as shall be for his turn? Certainly, Sir, no Man can imagine that the Protestant Religion can long be preserved under such a King, but such as cannot or will not see at a distance, what a Change such a Scheme of Government will soon produce, and how likely it is that it will be set up and practised, if ever we should have a Popish King. And as I do think that our Religion never can be secured without this Bill, so I do not fear that it will occasion any civil War, or any Division between this Kingdom, Scotland or Ireland; but rather, I believe it will be a means to reconcile the Protestant Interest, and to settle the Government upon such a bottom as will prove invincible. In Scotland the major Part of the People hate Popery as well as we, and so do the Protestants in Ireland; and therefore certainly it will be their interest to join with us against a common Enemy, and not to divide. And whereas it hath been suggested, that this Bill will engage us in a War against all Catholic Princes, I look upon it as a Bugbear, and do believe that we shall gain many Friends by being settled, as we may by having this Bill; because then we may be formidable to our Enemies, and serviceable to our Allies; but never without it. And, Sir, this is not to disinherit a Man for his Religion, but because he hath rendered himself incapable to govern us, according to our Laws, which, whether it proceed from his Religion, or any thing else, is all 'one to us. His being incapable, is the ground for our Proceedings, having no other way to preserve ourselves. Upon the whole matter, I do conclude, that a Popish King and a Protestant Religion are irreconcilable, and have no reason to fear a civil War, so long as we have a Law for our Defence, and a Protestant King to head us; which we cannot expect without passing some such Bill as this under Debate. And therefore I humbly move you it may be brought in."

Daniel Finch.

"Mr. Speaker, Sir, the Business you are debating is of so high a nature, that I cannot tell how to speak to it, without Fear and Trembling. To go about to alter the Succession of the Crown, must be of great concernment to all Englishmen, and therefore ought to be considered with a great deal

of Deliberation, for which the Justice, Prudence and Usage of this House calls aloud, there never having been any Business debated in this House, in which so much Care was required. Sir, I am unsatisfied with myself, how we can in Justice pass any such Bill as is proposed; for I never heard of any Law, which made an Opinion in Religion a Cause to be dispossest of Right: in former times it was not so, though there were Princes and Emperors that were Apostates. And Queen Elizabeth would not allow of putting any such thing in practice, but rather chose to proceed against Mary Queen of Scots, according to the settled Laws of the Nation. This Nation hath been so unfortunate as to cut off one King already, let us have a care how we cut off the Right of another. There is a possibility that the Duke may return to the Protestant Religion, let us not exclude him from such Temptations as may be convenient to reduce him. But, whatever should be your Resolution at last, I humbly conceive there can be no reason given, why a Business of this Weight should not be debated in a Committee, before you vote the bringing in of the Bill, that so the Validity of such other Expedients as may be proposed, may be examined, and the Reasons for and against this Bill be digested as they ought to be. How shall we otherwise answer it to his Majesty, who hath offered you every thing but this? If there were a Motion made for a Bill to give Money, would it not probably be debated in a Committee? By this Bill we are going to give away the Right of a Crown, which I take to be more than Money; and therefore, I humbly move you that it may be farther debated in a Committee.

‘ Mr. Speaker, Have not the Papists always proceeded against the Protestants with a Barbarity surmounting the worst of Heathens? And must we be so mighty careful how we proceed to hinder them from ruling over us, as that we must stumble at every Straw, and be afraid of every Bush? A Man that is in an House that is on fire, will leap out at a Window, rather than be burnt. I do admire how any Person, that doth know with what Treachery and Inhumanity the Papists behaved themselves in the Massacres of Piedmont, Paris, and Ireland; their Cruelties in Queen Mary’s days, lately on Sir Edmundbury Godfrey, and what they had design’d against the King, and all of us, can offer any thing to delay, much more to hinder what is so precisely necessary for the Good of the King and Kingdom; especially seeing in this we shall do nothing, but what may be justified by many Laws and Precedents. And if there were none, of which I know there are a great many that are liable to no Objection; yet I take it, That the Law of Nature

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ture and Self-preservation would afford us sufficient Arguments. I think the Sun is not more visible at Noon-day, than that the Papists have a Design to extirpate our Religion; and that they have done great Things in order thereto, even now while we live under the Government of a Protestant King, by some invisible Power that hath strangely acted its Part in favour of that Interest, in all our Councils and Resolutions in Affairs of greatest Importance; and it is as plain that this is so, because there is a Popish Successor; and that their Interest will never decline as long as there is such a Successor, and the Hope of a Popish King. And now, that by the watchful Providence of God, these Things have been made so plain to us; is it not strange, that any Man should go about to persuade us to be so neglectful and inconsiderate, as to sit still and look on, while the Papists are putting their Chains about our Arms, and V Ropes about our Necks? Which must be the Consequence of permitting a Popish King to ascend the Throne; against which there can be no Law to secure us but this. In Edward the sixth's, and Queen Mary's, and Queen Elizabeth's days, was not the Religion of the Prince, the Religion of the Nation? Did not most of the Privy-Counsellors, and great Ministers of State, and some Bishops too, change with the Times? Is it not customary for great Men to insinuate and flatter their Princes, by being of their Religion? On what must we ground our hopes of Security, in such a Case? On nothing, Sir, but on a Civil War, which such a Prince must certainly occasion. But I do not fear it from this Bill, but rather think it the only Way to prevent it; not doubting but that there will be People enough that will give Obedience to it, sufficient to execute the Law on such as may be refractory, if any, which can only be Papists, and such as may be Popishly affected; The Objections as to a Civil War, and Disobedience to this Law, may as well be made against any other severe Law that we may attempt to make against Papists; and must we therefore let them all alone? I hope we shall not be so inconsiderate; but as we have discovered that their Weapons are near our Throats, so we shall not acquiesce in any thing less than what may secure us; that so, if possible, we may not fall into the Hands of such a bloody, merciless People; which must infallibly be the Consequence of having a Popish King.

And, Sir, as we have much to say for the having of this Bill; so we have as much for not having our time lost by going into a Committee at this time about it. When the Bill is brought in, there will be time enough to hear of other Expedients, if any Member will then offer any; of which they will now have time to consider, that so they may be offered
particu-

particularly, and not only in general. For it doth not consist with the Gravity of the House, that they should be pur out of the Method they are most inclined to, without good Cause. I am afraid there can be no Expedients offered in this Case, that can be sufficient; unless such as may shake the Throne as to all future Kings. And I hope we shall be cautious how we enter into any such Debate; for if you should, you may be sure your Enemies will take Advantage thereof. And therefore I am rather for the Bill.

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Mr. Speaker, have not Popish Kings, as well in other Countries as here, always brought in a Popish Religion? And have we any Reason to suppose the like will not happen here, if ever we should have a King of that Religion? Have we not undeniable Proof, that the great Thing designed, by endeavouring at a Popish King, is the rooting Heresy out of these three Nations? And are not Rome and France engaged to give their Assistance therein, as well as the great Parties at home, not only of profess'd Papists, but of some who profess themselves Protestants, but are so but in Masquerade? And do they not say, that they have so clenched and riveted their Interest, as that God nor Man cannot prevent their accomplishing their Design? And shall we be so indiscreet as to let it creep on thus upon us, and not endeavour to remedy ourselves? Let it never be said of this House of Commons, that they were so stupified or negligent of their Duty to their Country; or so indifferent in their Religion, or Preservation of their Liberties, as to forget so great a Concern. If, when we have done what we can, we should be conquered by Force, or deceived by such little Arts and Tricks as may be used, a patient Submission to God's Providence must follow. But to be the Occasion of our own Destruction, by being supine and inconsiderate, will never be answered to Posterity.

John
Trenchard.

He then justify'd the Legality of the Bill, by a long Catalogue of Precedents; making out, that the Succession of the Crown had been oftentimes altered by Act of Parliament upon less Occasions than this; and concluded with a Motion for bringing in of the Bill.

Resolved, That a Bill be brought in, to disable the Duke of York to inherit the imperial Crown of the Realm.

The 4th of November, 1680. A Bill to disable James Duke of York, to inherit the imperial Crowns of England and Ireland, and the Dominions thereunto belonging, was read the first time.

The Exclusion-
Bill read for the
first time.

Mr. Speaker, I have spent much of my time in studying the Laws of this Land; and I pretend to know something of the Laws of foreign Countries, as well as of our own: And I have, upon this Occasion well-considered of them; but

Sir Leoline Jen-
kins.

Ann^o 32 Car. II. cannot find how we can justify the passing of this Bill, rather
1680. much against it.

First, I think it is contrary to natural Justice, that we should proceed to Condemnation, not only before Conviction, but before we have heard the Party, or examined any Witnesses about him; I am sure, none in his defence. And to do this, by making a new Law on purpose, when you have old Laws in being, that have appointed a Punishment to his Crime, I humbly conceive, is very severe; and contrary to the usual Proceedings of this House, and the Birth-right of every Englishman.

Secondly, I think it is contrary to the Principles of our Religion, that we should dispossess a Man of his Right, because he differs in point of Faith. For it is not agreed by all, that Dominion is founded in Grace. For my part, I think there is more of Popery in this Bill, than there can possibly be in the Nation without it; for none but Papists, and Fifth-monarchy-men, did ever go about to disinherit Men for their Religion.

Thirdly, I am of Opinion, that the Kings of England have their Right from God alone; and that no Power on earth can deprive them of it. And I hope this House will not attempt to do any thing, which is so precisely contrary, not only to the Law of God, but the Law of the Land too. For if this Bill should pass, it would change the Essence of the Monarchy, and make the Crown elective. For, by the same Reason that this Parliament may disinherit this Prince for his Religion, other Parliaments may disinherit another, upon some other Pretence which they may suggest; and so consequently, by such Exclusions, elect whom they please.

Fourthly, It is against the Oath of Allegiance, taken in its own Sense, without Jesuitical Evasions. For by binding all Persons to the King, his Heirs and Successors, the Duke, as presumptive Heir, must be understood. And I am of Opinion, it cannot be dispensed withal. Sir, I will be very cautious how I dispute the Power of Parliaments, I know the Legislative Power is very great, and it ought to be so. But yet I am of Opinion, that Parliaments cannot disinherit the Heir of the Crown; and that if such an Act should pass, it would be invalid in itself. And therefore I hope it will not seem strange, that I should offer my Judgment against this Bill, while it is in Debate; in which I think I do that which is my Duty, as a Member of this House.

Henry the fourth of France was a Protestant, his People most Papists, who used some Endeavours to prevent his coming to the Crown; but when they found they were not like to perfect their Design, without occasioning a civil War, they desisted; concluding, that a civil War would
probably

probably bring on them more Misery than a King of a different Religion, and therefore submitted. Sir, I hope, we shall not permit our Passion to guide us instead of Reason; and therefore I humbly move you to throw out the Bill.

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Ralph Montagu.

Mr. Speaker, Sir, The honourable Member that spoke last, may understand very much of the Laws of other Countries, and foreign Affairs; but I am apt to think, not much of the Laws of this Nation; or else he would not argue, that this is a Popish Bill, when it is the only thing that can save his King, the Kingdom, and the Protestant Religion; which I hope will never come to that Extremity, as to need any thing that is Popish to save it. For my part, I am so far from thinking that this Bill is so unreasonable as hath been argued, that I think this House of Commons will get as much Credit by passing of this Bill, as that in 1660 did, by passing that which brought home the King. For as the one restored him; so the other may preserve him, and nothing less. And therefore, I think, Sir, you ought not to delay the giving it a second reading, but appoint a speedy day for it.

Mr. Speaker, Sir, I do not understand how it can be construed, because we go about to disinheret the Duke, that therefore it must be for his Religion. For my part, I do approve of the Bill; but it is because the Opinions and Principles of the Papists tend to the Alteration of the Government and Religion of this Nation: and the introducing, instead thereof, of Superstition and Idolatry, and a foreign, Arbitrary Power: If it were not for that, I am apt to think, the Duke's being a Papist would not be thought a sufficient Cause for this House to spend Time about this Bill. And I cannot see the Danger of reducing the Government to be elective by it; for why should we presume that any thing but the like Cause should have the like Effect? Though the Succession of the Crown hath been formerly often changed by Acts of Parllament, yet hitherto it hath not made the Crown elective; and why must we fear it now? Neither can I apprehend, that the passing of this Bill is contrary to natural Justice; because we have not heard what the Duke hath to say for himself. The Precedents that might be offered to make out, that the Parliaments have, when they thought good, condemned Persons by Bill, are numerous, and without any Hearing too. But if there were none, to doubt the Power of the legislative Authority of the Nation in that or any other Case, is to suppose such a Weakness in our Government, so inconsistent with the Prudence of our Ancestors, and common Reason, as cannot well be imagined. And I do not think we are about going to do any such strange Thing neither, but what would be done in other Countries upon the like Occasion; but do believe,

John Hampden.

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lieve, that if the Dauphin of France, or Infant of Spain, were Protestants, and had, for near twenty Years together, endeavoured the setting up of another Interest and Religion, contrary to the Interest of those Kings and the Catholic Religion; especially if such Endeavours had been accompanied with such Success as here, and those Nations had been so often, by such means, reduced so near to ruin, as we have been, by Divisions, Tolerations, Burnings, Plots, and Sham-Plots at home, and by Wars and foreign Alliances, overruled in their favour abroad; but that they would have been more impatient than we have been for this Remedy. And for my own part, I cannot but admire more at the long Delay there hath been, in seeking out a Remedy against this great Evil, than at our offering at this Bill. For, notwithstanding what hath been said, I cannot think our Danger so remote or uncertain, as some would suppose it. Can the King be safe, as long as the Papists know that there is nothing but his Life stands in their Way, of having a King to their mind? Which is the only thing they want, to go on with their Designs and to accomplish their Expectations. Will it then be an easy thing to withstand such an enraged, barbarous People? The more false and unreasonable their Religion is, the more Cruelty will be necessary to establish it. Can it be imagined we shall not pay severely, for having shed so much Blood of their Martyrs, as they call them, and for having enjoyed their Holy-church-land so long? Or that they will not do all that they shall think necessary, to secure an entire and quiet Possession to themselves? For my own part, I cannot imagine that the Pride of those Church-men will be satisfied with any thing less, than an utter Ruin and Extirpation of us and our Posterities. And I think that nothing can save us but this Exclusion-Bill; and therefore I humbly move you to appoint a speedy day for a second reading.

The Bill read a
second time.

Resolved, That the said Bill be read a second time on Saturday Morning at ten o' Clock.

The 6th of November, 1680. A Bill to disable James, Duke of York, to inherit the imperial Crown of England and Ireland, was read a second time.

Sir Richard Temple made several Objections against the Tenour of the Bill, as not answering the Intention of the House; shewing how (if not altered) it would occasion an Inter-regnum; and that the Clause for limiting the Exclusion to the Person of the Duke only, was not well drawn.

Sir Leoline
Jenkins.

Mr. Speaker, In my humble Opinion, the Body and whole Tenour of this Bill carrieth with it a great Reflection on the whole English Nation. For to suppose that one Person is able to turn us about to Popery, is to suppose that we are either very imprudent, or irresolute, or that we have no great love to, but are rather very indifferent in our Religion. And

And if we may thus disinheret the presumptive Heir, not only the Royal Family, but the whole Nation, will be subject, by such a Precedent, to many Inconveniencies. For by the same Reasons the like may be done hereafter upon any other Pretence. For, Sir, though we know that this House is composed of Persons, that have a great Veneration for the Royal Family; yet we know not what may happen hereafter: But, if some such Bill as this must pass, I humbly conceive there is a great Necessity of naming a Successor, and not leave that in dispute, lest an Inter-regnum, or civil War, happen thereupon.

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Mr. Speaker, Sir, because I am of Opinion, that nothing can, at this Time, be so prejudicial to the protestant Interest, as to be at a stand, or go backward with this Bill; therefore I should be sorry to see that we should enter upon any Debate of clogging it with any thing that may occasion any Delay. There may be more Difficulty in agreeing about the Provisos and Declarations, that will be necessary in naming a Successor, than to agree about the Bill itself. And we cannot make the Law plainer than it is in that Case. We intend by this Bill nothing but an Exclusion of James Duke of York, as the only Expedient that can help us in the Exigency the Nation lies under; and it being intended only as an Expedient in reference to him only; and that the Bill shall have nothing in it that can relate to, or prejudice the next of Kin: I do not see how there ariseth from that, any Difficulty more than there was before, as to the Succession. And therefore, Sir, let us not confound the Bill with needless Additions. I confess, Sir, I am one of those that am in pain until this Bill be past. For the King hath his Breath in his Nostrils, as well as other Men; and although we have all, much reason to pray for his long Life, so to fear it too; and nothing can tend so much to the securing of his Life, as the passing of this Bill: nor ours after his. For, how shall we be able to defend ourselves against Popery without it? Therefore I humbly move you, that we may not spend our time about any such Additions, but commit the Bill.

Henry Booth.

Mr. Speaker, Sir, I have already given you many Reasons against the Bill itself, but more do offer from the wording of it. The excluding the Duke will not give a Right to the next Heir, to take possession of the Crown while the Duke is living; and therefore unless you name a Successor, it will either prove ineffectual, or cause a great Disturbance in the Nation, by an Inter-regnum. And, Sir, as this part of the Bill is too weak, so the other is too strong: For, as it is now penned, it may probably exclude all the Duke's Children, at leastwise leave it so, as that it may prove a great question, which I suppose you do not intend. Then he stated

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Sims Titus.

stated several Cases in Law, to prove what he had said ; and concluded, that it was in order to have it farther considered at a Committee.

Mr. Speaker, Sir, I do not see how you can name a Successor, unless you can in the same Act prohibit the Queen from having of Children, the King from marrying again, the Duke from having of Sons, which would not be more preposterous, than the many Proviso's which otherwise the Act would require, to secure such Issue their Right ; which would probably make the Remedy worse than the Disease. And I think, Sir, that in a Case of this Importance, you will be careful how you make Laws, that shall be liable to so many Difficulties and Disputes. And therefore you had better rely on the old Laws you have, than make new ones to perplex the Case. And I do not see how the excluding of the Duke only can any way infect the Right which his Children may have to the Succession. And therefore I think there is no need of naming a Successor ; but let the Bill be committed, and to a Committee of the whole House ; and there it may be farther debated, if necessary.

Sir Roger Hill.

Mr. Speaker, Sir, I tremble to hear so much Discourse about the King's Death, and naming him a Successor ; certainly the like was never known in any former Age, but rather it was looked on as so dangerous a Thing to be discoursed of, as that none durst attempt it, whatever the Occasion were. Queen Elizabeth concluded, that the naming of a Successor to the Crown, would be digging a Grave for her ; and therefore I hope we shall never go so far as to put it into an Act. I am for shewing a great Respect for the Duke, and his Children ; but I think we are first bound in Duty to the King ; and therefore ought first to shew our Respects to him. Some Persons, in my poor Opinion, have shewed so much Zeal for the Duke's Interest, that I am afraid they have forgot their Allegiance to the King. Can he ever be safe, as long as it is the Interest of every Papist in England to kill him ? Which it will be, as long as there is hopes of a Papist to succeed to the Throne. And therefore I think we cannot answer the permitting of any Delay in an Affair of so great Importance ; and I humbly move you, that the Bill may be committed, and that all may have Liberty to be concerned therein, in a Committee of the whole House.

The Bill committed.

Resolved, That the Bill be committed to a Committee of the whole House : That it be an Instruction to the said Committee, that the Exclusion in the said Bill do extend to the Person of James Duke of York only.

That this House do resolve into a Committee of the whole House on Monday Morning next, at Ten of the Clock, to proceed to the Consideration of the said Bill.

The 8th of November, the House then resolved into a Committee of the whole House, to proceed in the Consideration of the Bill, to disable James Duke of York, to inherit the Imperial Crowns of England and Ireland, and the Dominions and Territories thereunto belonging; and after many Debates about several Amendments, and Clauses to be added, the Bill was agreed, and reported to the House.

Resolved, 'That the said Bill, with the several Clauses and Amendments, be engrossed.'

The 9th of November, 1680. A Petition from the Bailiffs, Wardens, and Assistants, of the Company of Silk-Weavers, was read.

Debate, or a Petition from the Silk-Weavers Company.

John Bassett.

'Mr. Speaker, Sir, this Petition branches itself, First, against the Bill that is here afoot, for wearing of Woollen; Secondly, Against the Importation of foreign Silks from France: And Thirdly, against the East-India Company. As to the two first Particulars, I shall desire leave to speak my mind, when the Business comes to be debated in the Committee to which you may think good to refer it. But as to the third Branch, against the East-India Company, I desire to be heard a little at this Time; for, Sir, it will be in vain for you to spend your Time in endeavouring to raise the Price of Wool, or to advantage the Trade of the Nation any way, unless you do, in the first place, make some Regulation for the East-India Trade. For not only the Silk-Weavers, but most of the other Trades of this Nation, are prejudiced by the Consumption of Goods manufactured in the East-India, and brought hither: For a great many of them are not only spent here, instead of their own Manufactures, but abroad in other Parts, to which we send them. They do us such Prejudice, as must, in the End, be the Destruction of the Manufactory Trade, both at home and abroad, if not looked after; and the more likely, because the People in India are such Slaves, as to work for less than a Penny a Day; whereas ours here will not work under a Shilling; and they have all Materials also very reasonable, and are thereby enabled to make their Goods so cheap, as it will be impossible for our People here to contend with them. And therefore, because the said Trade hath abundantly increased of late Years, that we may not enrich the Indians, and impoverish our own People, I humbly move you, that this Petition may be referred to some Committee that may take particular Care of it.'

'Mr. Speaker, Sir, the Navigation to the East-India, being, by the Industry and long Experience of our Sea-Men, rendered as safe and secure as to any Country adjacent; and the Trade increased to a great Proportion, by such a dangerous Way as the Exportation of our Bullion, and Importation

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of abundance of manufactured Goods, and superfluous Commodities; and carried on by a few Men incorporated, who have made it their Business, by all Ways imaginable, to secure the Advantages thereof to themselves, and their Posterities, not permitting the People in general to come in for any Share; I humbly conceive it may not be unseasonable to give you a short Scheme of that Trade; and to make some Remarks as well on the Trade, as the present Management thereof; it being settled in a Company, by virtue of a Charter granted 1657, and confirmed by his Majesty, soon after his Restoration.

'Sir, It is well known what Advantage redounds to this Nation, by the Consumption of our Manufactures abroad and at home; and how our Fore-fathers have always discouraged such Trades as tended to the Hindrance thereof. By the best Computation that can be made, we now spend in this Kingdom *per Annum* to the Value of 2 or 300,000*l.* worth of Goods manufactured in the East-India: What Part thereof are spent instead of our Stuff, Serges, Cheneyes, and other Goods, I leave to every Man's Judgment, that hath observed how their Persian Silks, Bengalls, printed and painted Calicoes, and other Sorts are used for Beds, Hanging of Rooms, and Vestments of all sorts. And these Goods from the India, do not only hinder the Expence of our Woollen Goods, by serving instead of them here; but also by hindering the Consumption of them in other Parts too, to which we export them; and by obstructing the Expence of Linnen and Silks, which we formerly purchased from our Neighbour-Nations, in return of our Manufactures. For when that mutual Convenience of taking off their Goods in return of ours failed, it is found by Experience, that our Trade in our Manufactures failed also: And, Sir, this is not only at present a great, but a growing Hindrance to the Expence of our Woollen Goods; for, as it hath been observed to you, being the Indians do work for less than a Penny a Day, and are not without Materials at cheap Rates, we may rather tremble to think, than easily calculate, what this Trade may in Time amount to; and may conclude, that it must certainly end in employing and enriching the People in the India, and impoverishing of our own.

'But, Sir, this is not all: This Trade is carried on by the Exportation of 5 or 600,000*l.* *per Annum* in Bullion; which is so useful a Commodity, as ought not to be exported in so great a Quantity, especially seeing the Exportation thereof hath increased in some Years from 200,000*l.* *per Annum*, to 600,000*l.* *per Annum*: For it may encrease to Millions, to the Discouragement of the Exportation of the Products of our Country; upon which the Maintenance of our Poor, and

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Rent of Land, depends. Whereas by the Exportation of so much Bullion, no immediate Advantage redounds to the Nation; and though it is usually affirmed, that the Trade brings back to the Nation as much Money as it exports, yet upon an Enquiry it will be found a Mistake. And I think every Nation, but especially this, (which is so well stored with other Commodities for Trade) ought to be very jealous of a Trade, carried on by the Exportation of their Gold and Silver; and to be very careful how to allow it, it being dangerous to make that, which is the Standard of Trade, Merchandize itself.

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And as these Objections arise against the Trade itself, so there are others against the present Management, of which the People do complain as a great Grievance; and I humbly conceive, not without good Cause. For the equal Distribution of Liberties and Privileges among the People, which is one of the Excellencies of the Government, is by this Company highly infringed, a very few of the People being permitted to have any Share in this Trade, though it be now increased to near one quarter Part of the Trade of the Nation; the Company finding it more for their particular Advantage to take up from 6 to 700,000 *l.* on a common Sale, to carry on their Trade, than to enlarge their Stock; thereby reaping to themselves not only the Gains which they make on their own Money, but of the Treasure of the Nation; allowing to them that lend, four or five *per Cent.* and dividing among themselves what they please, which now within these last 12 or 15 Months, hath been 90 *per Cent.* And, upon an exact Enquiry it will be found, that this Stock is so engrossed, that about ten or twelve Men have the absolute Management, and that about forty divide the major Part of the Gains, which this last Year hath been to some one Man 20, to others 10,000 *l.* a-piece. So that here is the certain Effect of a Monopoly, to enrich some few, and impoverish many.

It's true, there is such a Thing as buying and selling some small Shares in the Stocks sometimes, if any Man will give 300 *l.* in Money for 100 *l.* Stock; but this amounts to no more than exchanging the Interest of John Doe for Thomas Roe, and can be no ways serviceable to bring in more Stock or People into the Trade, and therefore not to satisfy the Complaint of the Nation.

Sir, that you may the better apprehend how unreasonable it is, that this great Trade should be thus confined to the Advantage of so few Persons, exclusive to all others, under the Penalty of Mulcts, Fines, Seizures, and other extraordinary Proceedings, I beseech you, Sir, to cast your Thoughts on this great Body here by you, and the rest of

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the Corporations of this Nation, who mostly live by Trade, and consider how many Thousands, if not Millions, there are, whose Lot Providence hath cast on Trade for their Livelihoods; and then, I am apt to believe, it will appear very strange that so great a Trade should be so limited. If three such Charters more should be granted, what should the major part of the People do for Maintenance? Sir, the Birth-right of every Englishman is always tenderly considered in this Place: By this Company the Birth-right of many Thousands is prejudiced, and may well deserve a serious Consideration; and therefore, and because this Company, by having the Command of the Treasure of the Nation, cannot be controlled by any less Power than that of a House of Commons, this Business comes, as I humbly conceive, naturally before you.

‘But, Sir, there is one Thing more in the Management of this Trade worthy your Consideration: The great Danger which may result, as well to private Persons as to the Public, by taking up such an immense Treasure on a common Sale. Sir, we all know what happened some Years since, by the Bankers taking up such great Sums on their private Sales, how it proved a Temptation for the committing of a great Violation on the Subjects Property, which in all probability preceding Parliaments would have prevented if they had foreseen; though I hope there is no Danger that the like will ever be done again; yet, Sir, you may do well to secure it, either by making some Voté, if not a Law, to prevent it. And I am the more forward to move you herein; because I have heard, since I had the Honour to sit within these Walls, that, in the late long Parliament, there were Members who, by voting for Money, got Shares to themselves. I have a good Opinion of these Gentlemen that at present have the Management of the Trade, but if a few such Persons as I have mentioned should succeed them, with the same Privilege that these have, of taking up what Money they please on a common Sale, to what Danger might the Treasure of this Nation be reduced, and how might it not be disposed of, by Dividends, Loans, or other Ways? The taking up of so vast a Treasure on a common Sale, must be attended with great Danger; and therefore as well for that as for the other Reasons alledged, I hope you will take this Affair into your speedy Consideration, that so some Remedies may be applied hereto.’

William Love.

‘Mr. Speaker, Sir, by the Account which hath been given you of the East-India Trade, I doubt not but you are sensible, that it will in time ruin a great part of the Trade of our Manufactures, if not prevented. The East-India Company have been very industrious to promote their

own

own Trade, but therein have given a great Blow to the Trade of the Nation. Anno. 32 Car. II.
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The Indians knew little of dying Goods, or ordering them, so as to be fit for European Markets, until the Company sent from hence Englishmen to teach them, which I am afraid this Nation will have cause to repent hereafter. For the Cheapness of Wages and Materials in the Indies must enable the Indians to afford their manufactured Goods cheaper than any we can make here; and therefore it is probable the Trade will encrease prodigiously; which may be a good Motive for you to take into your Consideration that part of it, in which the Consumption of our Manufactures is concerned. They have already spoiled the Italian and Flanders Trade, with their Silks and Calicoes; now they will endeavour to spoil the Turkish Trade, by bringing abundance of raw Silk from the Indies. So that ere long we shall have no need of having Silk from Turkey; and if not, I am sure we shall not be able to send any Cloths or other Goods there. And it cannot be expected, that the Indians should grow weary of exchanging their manufactured Goods for our Gold and Silver, nor the Company of the great Gains they make by their Trade; and therefore, unless prevented by your Care, the Trade will go on to your Prejudice; the Company having been industrious to secure themselves against all other Attempts, by New-Years-Gifts, employing of some Men's Money at Interest, and getting others into the Company, and then chusing them of the Committee, though they understand no more of the Trade, than I do of Physic; also naming of Ships by great Men's Names is made use of for the said purpose, and Oaths which they impose on all Persons they employ in any Business of importance, so that there is no ordinary way left to reach them. Therefore, Sir, I hope you will refer the Business to some Committee that you may make a speedy Report.

Resolved, That the said Petition be referred to the grand Committee for Trade, and they are to proceed upon the same in the first place, and they are then likewise to consider of the present State of the East-India Company, and to report the same, with their Opinions thereon, to the House

The 10th of November, 1680. His Majesty's Message to the House was read.

His Majesty desires this House, as well for the Satisfaction of his People, as of himself, to expedite such Matters as are depending before them, relating to Popery and the Plot; and would have them rest assured, that all Remedies they can tender to his Majesty, conducing to these Ends, shall be very acceptable to him, provided they

A Message from the King relating to the Exclusion Bill.

be

Ann 32 Car. II.
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' be such as may consist with preserving the Succession of the Crown in its legal Course of Descent.'

Debated.

Henry Booth.

' Mr. Speaker, Sir, I look on all His Majesty's Speeches to Parliaments, and Messages to this House, to be Acts of State, and the Results of serious Councils; and therefore the more deserving our Consideration: But also I think we may in some Respects look on them as we do on Letters-Patent, or other Grants in the King's Name; if in them there be any thing against Law, the Lawyer or Officer that drew them is answerable for it. So if his Speeches be the Product of Council, if there be any Mistake in them, it must be imputed to the Council, and we may and ought to conclude the King never said it, for he can do no Wrong. I cannot, Sir, but much admire what neglect of ours, as to Popery and the Plot, hath occasioned this Message. Hath not most of our Time been spent about Examination of Witnesses about the Plot, and in making Inspections into the Proceedings of the last Parliaments as to their Transactions about it, that so we may proceed upon such Grounds as we ought? Hath there any day past, in which we have not done something as to the Plot and Popery, besides what we have done about the Duke's Bill? Which alone is sufficient Proof of our Endeavours to discover the Plot and Popery, because it plainly appears that all the Plot centers in him, and that we can never prevent Popery, but by preventing that Power to rule, which is derived from a Popish Successor, and the having of a Popish King. It is true, we have spent some Time also, in asserting the Right of the People to petition the King for Parliaments, or other Grievances; but I do not take that to be so remote to this Affair; for can the Plot ever be searched to the Bottom, or Popery prevented, as our Case stands, but by Parliaments? And seeing there were so many Prorogations of this Parliament, when there were Occasions so urgent for their Sitting, in order to search the Plot to the Bottom, and to make Laws against Popery, have we not great Reason to believe, that it was from that Party that such strange endeavours were used to prevent the meeting of Parliaments, from whom they know that nothing but Ruin can attend them? Do we not see, by Coleman's Letters, what Contrivances they always had for to manage the Meetings, Sitzings, Prorogations, and Dissolutions of Parliaments? And why should we not believe they exercise the same Arts still? Seeing it is plain that the Dissolutions of the last two Parliaments, and many Prorogations of this, did not proceed from any Protestant Interest; and therefore well may we conclude from whom. And for the same Reason that they fear Parliaments, have not the People Reason to be fond of them, being the only legal Way to redress Grievances? And could

we

we have answered the neglecting of the asserting our Rights in that Particular? Sir, I think that, next to the Duke's Bill; the asserting of the People's Right to petition, is the most necessary Affair we could have spent our time about, in order to have the Plot examined to the Bottom, by conveying to his Majesty the Desires of his People, to have Parliaments sit in order thereto. And therefore I am jealous that the Advice given for this Message, doth proceed rather from a fear that we are doing too much, than from our doing too little against Popery. However, Sir, seeing the Message comes in his Majesty's Name, let us, according to our Duty, give all the Compliance we can to it; and therefore I humbly move you, that a Message be sent to the Lords, to desire them to appoint a Day for the Trial of William Viscount Stafford.

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1680.

Mr. Speaker, Sir, I cannot but observe, that his Majesty in his Speech made to us at the Opening of this Session, recommended to us the Examination of the Plot, and the making Laws for the Security of the Protestant Religion, which is not yet above twenty Days ago. And therefore it is very strange, in my Opinion, that we should so soon receive another Message to the same purpose, especially considering how we have spent our time ever since our Meeting, in that which we have reason to think tends as much to the preventing of Popery, as any thing we could invent. The truth is, Sir, I am fully persuaded, that the Advice for this Message proceeds from the same Men that advised the Dissolution of the two last Parliaments, and the many Prorogations of this; for though it may look like a Contradiction, that going fast or going slow should tend to one and the same End, yet it doth so in this Case: for by the Dissolutions of those Parliaments, and many Prorogations of this, time was gotten for the disheartning of some Witnesses, and tampering with others, and the Death of the most material one; and now, by pressing upon this Parliament to make great Haste, other Witnesses may be prevented from coming in, for which his Majesty hath declared he will give two Months time by his Proclamation. So that it plainly appears, that the farther Examination of the Plot must be prevented some way, if they can do it; and that rather than fail, your Endeavours to go to the Bottom of the Plot shall be turned upon you, and made use of to their Advantage. It is strange, that now fourteen Days should seem too much to have the Examination of the Plot neglected, (supposing it had been so) and the fourteen Months last past, or rather two Years, not thought so. Sir, we are under great difficulties, and therefore we must be careful what we do. By the Contents of this Message we may plainly see, that our Enemies

John Hampden.

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Enemies are at work to represent our Proceedings ill to the King, that so if possible there may be some plausible Pretence found out that may serve to gull the People, if they should procure a Dissolution. But I hope his Majesty will not hearken to such Advice; in order to prevent it, let us, until we have an Opportunity to express our Duty to him by Actions, do it by Words, to satisfy him, that we have spent most of our Time in examining the Plot, and in contriving how to secure his Person and Government against the Dangers arising from Popery; and to assure him, that we will lose no Time till we have done what lies in our Power in order thereto; and that we may withal give some farther Instance of our endeavours, let us vote that we will immediately proceed to the Trial of my Lord Viscount Stafford.

William Har-
bord,

Mr. Speaker, Sir, I am well content to understand that Part of the Speech, which recommends to us a speedy Examination of the Plot, to proceed from his Majesty's Goodness, on a Supposition that he is now more sensible than ever, of the Danger, his Person and Government is in by Papists. And I hope it is from that, and not from any other Reason, that he hath been pleased to send us this Message so soon after his Speech, notwithstanding our Endeavours as to the Plot and Popery. But, Sir, what I am most concerned at, is the latter Part of the Speech, that about the Succession; for it looks like the Difficulty that was put upon the Israelites, of making Bricks without Straw. For seeing all the Discoveries about the Plot make it clearly out, that it all centers in the Duke of York, and that all their Hopes is derived from a Popish Successor, and Expectation of a Popish King, how can we do any thing that can be effectual in pursuance of the first Part of that Proposition, without contradicting the latter, it being impossible to secure the Protestant Religion under such Limitations? However, Sir, I hope that none of these things will put the House out of that Temper and Moderation which becomes this Place; for I hope that at last his Majesty will either convince us, or be advised by us, that so we may come to a fair Understanding, and this Session have a happy Conclusion. Let us be careful not to give our Enemies any just Advantage to misrepresent us: And then I hope all will do well at last, maugre all the Endeavours of our Back-friends. That we do vote that we will proceed to Trial of some of the Lords, and appoint a Committee to draw up an Address in answer to this Message, upon the Debate of the House, is, I conceive, what is necessary at this Time.

Silas Titus,

Mr. Speaker, Sir, his Majesty's Message is a tacit Re-
prehension of this House, for not having done their Duty, as
to the Plot and Popery. And as well by this Message, as by
his

his Speech at the Opening of the Session, he doth now seem much concerned, that the Examination of the Plot, and the securing of the Nation against the Danger of Popery, hath been so long deferred; for my part I think he hath a great deal of Reason for what he saith, and I am glad to hear it. For I hope he is now truly sensible what strange Advice he followed in dissolving the last Parliaments, and so often proroguing this; and that he will now permit the Parliament to sit, until they have done their Duty in that Particular. But, Sir, though his Majesty may now be very sensible of the Miscarriages there have been in the Management of this Business already, yet I think we may not do amiss (seeing his Majesty hath given us this occasion) to particularise to him, how the Examination of the Plot, and the securing us against Popery, hath been prevented. Sir, was not the late long Parliament, after the Plot broke out, in a fair way to have tried the Lords, and to have examined the Plot to the bottom? And did not the Dissolution of them frustrate all their Proceedings? Did not the next Parliament fall upon the same Subject, and were they not advanced very far towards it? And did not the Prorogation and Dissolution come, and make all void? Hath this Parliament, though called to meet the 17th of October was twelve Months, ever sat till now? And have they not ever since their Meeting employed most of their time about the Plot and Popery? And can there lie any just Complaints against us? The truth is, Sir, it is plain to me, that if this Message proceeds from his Majesty's own Judgment, as I hope it doth; (for how can it be presumed that his Majesty should not see how we proceed against the Plot and Popery as well as every body else?) or if it proceed from such Counsel, as do really intend we should do something against Popery, then we may be permitted to sit until we have done something for the Security of our Religion, and Good of our Country; but, on the other side, if this Message do proceed from the same Counsel that advised the Dissolutions of the last Parliaments, and many Prorogations of this, then we may take it as a clear Discovery, that there are Persons at work to represent us ill to the King; and to find some such pretence for our Dissolution, as may pass with the People; and such I take to be Enemies both to the King and Kingdom, and therefore hope you will take a time to find them out, and proceed against them as they deserve. In the mean time, I second the Motion that hath been made, for a Committee to draw up an Answer to this Address, and for making a Vote in order to try my Lord Stafford.

‘ Mr. Speaker, Sir, though I know that we are under an obligation from Duty to make a good construction of all his
 : TOMB I. G g g Majesty's

Sir Francis
 Winnington,

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Majesty's Speeches and Messages to this House, yet because they generally do proceed from some Advice and Counsel taken on such occasions, therefore, I think, we may, without Offence, when any thing is irreconcilable in them, attribute it to the Ministers; though all that which is good, and agreeable to that Wisdom and Prudence which is inherent in his Majesty, ought to be attributed to himself; and, as the Case stands with us; I think only from him can it proceed. What is said in this Message, that neither his Majesty nor the People can be satisfied, unless we expedite such Matters as relate to the Plot, I believe it proceeds from his Majesty's own Genius, it being so agreeable to that Love which he hath always professed for the Protestant Religion; but that tacit Imputation that we have neglected the Examination of the Plot, and Proceedings against Popery, appears to me like a kind of Infatuation in those Ministers that advised it. For, Sir, is there any thing more obvious, than that this Parliament have spent most of their time in matters relating to the Plot and Popery, and to make such Laws as may prevent the coming in of Popery upon us? And did not both the last Parliaments do the same, from the time the Plot broke out? And if I may take the liberty to prophesy, I am apt to think, that the next, and the next, will proceed in the same steps, until such Laws be made as are precisely necessary for the hindring of Popery from coming in upon us: And I pray God it may not be a cause why we shall have no Parliaments to sit and act for a while. But, Sir, as this is plain, so to our Grief it is, that there are those about the King in great Power, who are against the Examination of the Plot to the bottom, or making Laws against Popery. Hath not this appeared by the great Endeavours that have been used to stifle the Plot; the menacing and discouraging of the true Witnesses, and setting up and encouraging of false ones? I mean, by the great Power that accompanied those Endeavours; but above all, by the great Authority and Interest, which that Party have shewed in the Dissolution of the last two Parliaments, (though as to the first I heartily forgive them) and the many Prorogations of this. And must they now, after they have stopped or smothered all Proceedings that tended to destroy Popery, for above two Years, find fault that we have not brought all to perfection in two Weeks? Sir, this looks like such a profound piece of Policy, as that of killing Justice Godfrey. But I am not sorry that their Politics run so low. Such a Pretence as this can only pass with Persons that have a mind to be deceived. I will never doubt the Prudence of the major part of the Nation in this particular, who know that the Non-prosecution of the Plot, is the great Grievance which the Nation groans

groans under ; and the making of such Laws which may secure us against Popery, the greatest reason why they have so longed for a Parliament, and adventured so much, as some did, in petitioning for one. And, Sir, I think, that accordingly this House have not been wanting to do their Duty therein ; and therefore do believe that such Representations to his Majesty are made, by such, as aim at the Destruction of Parliaments, and bringing in of Popery. But the better to prevent their taking any such advantage for the future, I could wish that we may not spend more Mornings about Irish Cattle, nor East-India Trade, until the Business of the Plot and Popery be more off our hands. But in order to satisfy his Majesty of our Obedience to his Commands, I agree both for the Committee, and Trial of the Lord Stafford.

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Resolved, That a Committee be appointed, to draw up an humble Address to his Majesty upon the Debate of the House, in answer to his Majesty's gracious Message.

An Address
voted.

Resolved, That this House will proceed in the Prosecution of the Lords in the Tower, and will forthwith begin with William Viscount Stafford.

Lord Stafford's
Trial resolv'd
on.

The 11th of November, 1680. Sir William Jones reports from the Committee appointed to draw up an Address to his Majesty, upon the Debate of the House, in answer to his Majesty's gracious Message ; which he read in his Place, and afterward delivered the same at the Clerks Table ; where being read again, was upon the Question agreed to by the House.

The Address to his Majesty from the Commons.

' May it please your most excellent Majesty, We your Majesty's most loyal and obedient Subjects, the Commons in this present Parliament assembled, having taken into our most serious consideration your Majesty's gracious Message, brought unto us the ninth Day of this Instant November, by Mr. Secretary Jenkins, do with all Thankfulness acknowledge your Majesty's Care and Goodness, in inviting us to expedite such Matters as are depending before us, relating to Popery and the Plot. And we do, in all Humility, represent to your Majesty, that we are fully convinced, that it is highly incumbent upon us, in Discharge both of our Duty to your Majesty, and of that great Trust reposed in us by those whom we represent, to endeavour, by the most speedy and effectual ways, the Suppression of Popery within this your Kingdom, and the bringing to public Justice all such as shall be found guilty of the horrid and damnable Popish Plot. And though the time of our sitting (abating what must necessarily be spent in the chusing and presenting a Speaker, appointing grand Committees, and in

The Address.

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taking the Oaths and Tests enjoined by Act of Parliament) hath not much exceeded a Fortnight; yet we live in this time not only made a considerable Progress in some things which to us seem, and (when presented to your Majesty in a parliamentary way) will, we trust, appear to your Majesty to be absolutely necessary for the Safety of your Majesty's Person, the effectual Suppression of Popery, and the Security of the Religion, Lives, and Estates of your Majesty's Protestant Subjects: But even in relation to the Trials of the five Lords impeached in Parliament for the execrable Popish Plot, we have so far proceeded, as we doubt not but in a short time we shall be ready for the same. But we cannot (without being unfaithful to your Majesty, and to our Country, by whom we are entrusted) omit, upon this occasion, humbly to inform your Majesty, That our Difficulties, even as to these Trials, are much increased by the evil and destructive Councils of those Persons who advised your Majesty, first to the Prorogation, and then to the Dissolution of the last Parliament, at a time when the Commons had taken great pains about, and were prepared for those Trials. And by the like pernicious Counsels of those who advised the many and long Prorogations of the present Parliament, before the same was permitted to sit; whereby some of the Evidence which was prepared in the last Parliament, may possibly (during so great an Interval) be forgotten or lost; and some Persons, who might probably have come in as Witnesses, are either dead, have been taken off, or may have been discouraged from giving their Evidence. But of one mischievous Consequence of those dangerous and unhappy Counsels, we are certainly and sadly sensible, namely, that the Testimony of a material Witness against every one of those five Lords (and who could probably have discovered, and brought in much other Evidence about the Plot in general, and those Lords in particular) cannot now be given *viva voce*; for as much as that Witness is unfortunately dead, between the Calling and the Sitting of this Parliament. To prevent the like, or greater Inconveniencies for the future, we make it our most humble Request to your most excellent Majesty, that, as you tender the Safety of your Royal Person, the Security of your loyal Subjects, and the Preservation of the true Protestant Religion, you will not suffer yourself to be prevailed upon by the like Counsels, to do any thing which may occasion, in consequence (though we are assured never with your Majesty's Intention) either the deferring of a full and perfect Discovery and Examination of this most wicked and detestable Plot, or the preventing the Conspirators therein from being brought to speedy and exemplary Justice and Punishment.. And we humbly beseech your Majesty to rest

rest assured, (notwithstanding any Suggestions which may be made by Persons, who, for their own wicked Purposes, contrive to create a distrust in your Majesty of your People,) that nothing is more in the Desires, and shall be more the Endeavours of us, your faithful and loyal Commons; than the promoting and advancing of your Majesty's true Happiness and Greatness.

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Mr. Speaker, Sir, I hope this Address will satisfy his Majesty, that this House hath not been negligent in the Prosecution of the Plot and Popery, and that it will create in his Majesty a good Opinion of our Proceedings, that so we may not meet with any Interruption in the Perfecting of those Bills which are necessary for the Good of the King and Kingdom, and may have the Glory of having been instrumental in accomplishing that Security which the Nation so much desires in point of Religion, and in making his Majesty's Government not only more easy to him, but so formidable, as that he may become a Terror to his Enemies, and in a Capacity to give Assistance to his Friends both at home and abroad; and, if possible, so reconcile all Divisions, as that there may be no Distinction but of Papists and Protestants, nor of that neither, if there could be a Way found out to prevent it. For I know this House wants nothing but Opportunity to express their Loyalty to the King, and Love to the Protestant Religion, and their Country; but I am afraid that all our Endeavours will prove ineffectual, unless we can remove from his Majesty all Counsellors that advise him in favour of the Popish Interest, and such as influence him in favour of that Party. I do not mean little ones, but such as by Experience we had found, have in the time of our greatest Danger exercised a kind of uncontrollable Power. The Witnesses which you have heard this Day at the Bar, as to the wicked Plot of the Papists in Ireland, and in what a dangerous Condition the poor Protestants are there, how exceeded in Numbers by their Enemies, and deserted by their Friends, added to the Evidence we have of the Plot in England, hath given to me a new Prospect of the deplorable Condition we are in; and therefore, although it be a little late in the Day, seeing here is a full House, and of such Persons as I believe will never think any thing too much, that is so necessary for the Good of their King and Country; I hope you will not think it unseasonable, that I should now move you, that the ingrossed Bill, for disinheriting James Duke of York, be read.

The Bill amended as the House had ordered was read, The Exclusion-entitled, *An Act for securing of the Protestant Religion, by Bill, as amending disabbling James Duke of York to inherit the imperial Crown of*

England

Anno 32 Car. II. *England and Ireland, and the Dominions and Territories therunto*
 1680. *belonging.*

WHEREAS James Duke of York is notoriously known to have been perverted from the Protestant to the Popish Religion; whereby not only great Encouragement hath been given to the Popish Party to enter into, and carry on most devilish and horrid Plots and Conspiracies, for the Destruction of his Majesty's sacred Person and Government, and for the Extirpation of the true Protestant Religion: But also, if the said Duke should succeed to the imperial Crown of this Realm, nothing is more manifest, than that a total Change of Religion within these Kingdoms would ensue. For the Prevention whereof, Be it enacted by the King's most excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That the said James Duke of York shall be, and is by the Authority of this present Parliament, excluded, and made for ever incapable to inherit, possess, or enjoy the imperial Crown of this Realm, and of the Kingdom of Ireland, and the Dominions and Territories to them, or either of them, belonging; or to have, exercise, or enjoy any Dominion, Power, Jurisdiction or Authority in the same Kingdoms, Dominions, or any of them.

And be it farther enacted, by the Authority aforesaid, That if the said James Duke of York shall at any Time hereafter, challenge, claim, or attempt to possess, or enjoy or shall take upon him to use or exercise any Dominion, Power, or Authority, or Jurisdiction, within the said Kingdoms, or Dominions, or any of them, as King, or chief Magistrate of the same; That then, he, the said James Duke of York, for every such Offence, shall be deemed and adjudged guilty of High-Treason; and shall suffer the Pains, Penalties, and Forfeitures, as in case of High-Treason. And farther, That if any Person or Persons whatsoever, shall assist, or maintain, abet, or willingly adhere unto the said James Duke of York, in such Challenge, Claim, or Attempt, or shall of themselves attempt, or endeavour to put or bring the said James Duke of York, into the Possession, or Exercise of any regal Power, Jurisdiction, or Authority, within the Kingdoms and Dominions aforesaid, or shall by writing, or preaching, advisedly publish, maintain or declare, That he hath any Right, Title, or Authority, to the Office of King, or chief Magistrate, of the Kingdoms and Dominions aforesaid; that then every such Person shall be deemed

and

and adjudged guilty of High-Treason; and that he suffer Anno 22 Car. II.
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and undergo the Pains, Penalties, and Forfeitures aforesaid.

And be it farther enacted, by the Authority aforesaid, That he, the said James Duke of York, shall not at any Time, from and after the fifth of November 1680, return, or come into, or within any of the Kingdoms or Dominions aforesaid; otherwise he, the said James Duke of York, shall be deemed and adjudged guilty of High-Treason; and shall suffer the Pains, Penalties, and Forfeitures, as in case of High-Treason: And farther, That if any Person or Persons whatsoever shall be aiding or assisting unto such return of the said James Duke of York, that then every such Person shall be deemed and adjudged guilty of High-Treason; and shall suffer as in Cases of High-Treason.

And be it further enacted, by the Authority aforesaid, That he, the said James Duke of York, or any other Person, being guilty of any of the Treasons aforesaid, shall not be capable of, or receive Benefit by any Pardon, otherwise than by Act of Parliament, wherein they shall be particularly named; and that no *Noli Prosequi*, or Order for stay of Proceedings, shall be received or allowed in, or upon any Indictment, for any of the Offences mentioned in this Act.

And be it farther enacted and declared, and it is hereby enacted and declared, That it shall and may be lawful to, and for any Magistrates, Officers, and other Subjects whatsoever of these Kingdoms and Dominions aforesaid; and they are hereby enjoined and required to apprehend and secure the said James Duke of York, and every other Person offending in any of the Premises; and with him or them, in case of resistance, to fight, and him or them by Force to subdue: For all which Actions, and for so doing, they are, and shall be, by virtue of this Act, saved harmless and indemnified.

Provided, and it is hereby declared, That nothing in this Act contained shall be construed, deemed or adjudged, to disenable any other Person from inheriting and enjoying the imperial Crown of the Realms and Dominions aforesaid; (other than the said James Duke of York.) But that in case the said James Duke of York should survive his now Majesty, and the Heirs of his Majesty's Body, the said imperial Crown shall descend to, and be enjoyed by such Person or Persons successorially, during the Life of the said James Duke of York, as should have inherited and enjoyed the same, in case the said James Duke of York were naturally dead; any thing contained in this Act to the contrary notwithstanding.

And

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‘ *And be it farther enacted, by the Authority aforesaid, That during the Life of the said James Duke of York, this Act shall be given in charge at every Assizes, and general Sessions of the Peace within the Kingdoms, Dominions and Territories aforesaid,; and also shall be openly read in every Cathedral Church, and Parish Church, and Chapels, within the aforesaid Kingdoms, Dominions, and Territories, by the several respective Parsons, Vicars, Curates, and Readers thereof, who are hereby required, immediately after divine Service in the Forenoon, to read the same twice in every Year; that is to say, on the 25th of December, and upon Easter-Day, during the Life of the said James Duke of York.*’

Sir L. Jenkins.

‘ Mr. Speaker, Sir, this great Business cannot be too well considered, before you come to a final Resolution therein. I will not now offer you any prudential Arguments against this Bill; because I did offer several at the last reading. But, Sir, I would desire you to consider, that this Prince is Brother to our present King, and Son to our late pious King Charles the first; for whose Memory this Nation hath a great Veneration: That this Prince is enriched with excellent Endowments, which he hath employed in the Service of this Nation, by fighting our Battles, and defending us from the Oppression of our Enemies; and is only guilty of this one Crime, which, I hope, upon mature Deliberation, will not deserve so great a Condemnation. Sir, I know it is usual for this House to proceed in Affairs of less Importance, with all the Calmness, Justice, and Prudence, that can be imagined; and therefore I hope you will be careful how you deviate from those Measures, in a Business of this nature. I would once more remember you, that there are Laws already for the Punishment of the Crimes he is accused of; and therefore humbly conceive, you ought not to chastise him, by making a new Law; especially with that Severity, which is, by this Bill, now intended, before any Hearing.

‘ Sir, for my part, I have taken the Oath of Allegiance, and think my self therein bound to him, as Heir, until it please God that his Majesty have Children. I know of no Power on Earth, that can dispense with my Oath; and therefore I cannot (so much as by being silent) give my Consent to this Bill, lest I therein wrong my Conscience; seeing I have the Honour to be a Member of this House.

‘ I do not doubt but most here have a great esteem for the Church of England, as Members thereof: I could wish they would consider what a great Blow this Bill will give to our Religion, and to our Church. To dishonour a Prince for no other Cause, but for being of a different Opinion in some Points

Points of Faith, is, I think, quite contrary to the Principles of the Religion we profess, and also to the established Laws of this Land. And if such an Act, when made, should be of any validity, I do conclude, that you will thereby change the Constitution of this Monarchy, and make it in a manner elective; and therefore I humbly move you, that the Bill may be thrown out.

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Mr. Speaker, Sir, I desire leave to offer some Objections, which, in my Opinion, do justly arise against this Bill. I think there ought to be a Proviso, That if the Duke should turn Protestant, that then the Bill should be void, and he not excluded from his Right; that so we may not leave him without some Temptation to return to the Protestant Religion. And, Sir, I think there ought to be a Proviso, that in case the Duke should have a Son, after either of his Daughters (if it should be their fortune) have ascended the Throne, for the reserving of him a Right. For there is a Possibility, that if the Duke should out-live the King, he may have a Son, after that his Daughters, by virtue of this Act, may have taken the Crown. I suppose, as there is no Intent to chastise the Daughters for the Father's sake, so not the Son; and therefore I humbly move you, that some Proviso may be added, to secure him his Right, if any such thing should happen.

Sir Richard
Mason,

Mr. Speaker, Sir, the honourable Member that spoke before, made large Encomiums on the Duke, extolling his Endowments and Services to the Nation. For my part, I think, that the better qualified he is, the greater is our Danger. But as to what he said, of having fought our Battles, and done great Things for this Nation, I think he hath not done fairly by the House; for he should have told us, How the Triple League was broke, and my Lord of Sandwich lost his Life; how he changed his Religion, and hath ever since encouraged Popery, and assisted that Interest; how the City of London was burnt, and the Actors discharged; how the Discovery of the Popish Plot was prevented as much as it could be, and the Presbyterian one encouraged; that so we might have all before us.

Lionel Wal-
den.

He was going on more severely, but was interrupted:

Mr. Speaker, Sir, although it hath been said, that no good Protestant can speak against the Bill; yet, Sir, I cannot forbear to offer some Objections against it. I do not know that any of the King's Murderers were condemned without being heard; and must we deal thus with the Brother of our King? It is such a severe Way of proceeding, that I think we cannot answer it to the World; and therefore it would consist much better with the Justice of the House, to impeach him, and try him in a formal Way; and then cut off his Head, if he deserve it. I will not offer to dispute the Power

Laurence
Hyde.

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of Parliaments; but question whether this Law, if made, would be good in itself. Some Laws have a natural Weakness with them. I think, that by which the old long Parliament carried on their Rebellion, was judged afterward void in Law; because there was a Power given, which could not be taken from the Crown. For aught I know, when you have made this Law, it may have the same Flaw in it; if not, I am confident there are a loyal Party, which will never obey, but will think themselves bound, by their Oath of Allegiance and Duty, to pay obedience to the Duke, if ever he should come to be King, which must occasion a Civil War. And, Sir, I do not find that the Proviso, that was ordered to be added for the Security of the Duke's Children, is made strong enough to secure them, according to the Debate of the House; it being liable to many Objections; and the more, because the Words, presumptive Heir of the Crown, are industriously left out, tho' much insisted on when debated here in the House. Upon the whole Matter, my humble Motion is, that the Bill may be thrown out.

Sir William
Jones.

' Mr. Speaker, Sir, I am very unfit to speak in this Place, being a Member but of Yesterday; but I will rather adventure to draw a Censure on myself, than be wanting to serve my Country (seeing they have called me hither) in a Business of so great Importance, I think, as great as ever was debated in an House of Commons. I can truly affirm, that I have a great Respect for the Duke of York; and therefore, as well for the Preservation of the Protestant Religion, I am for this Bill. For I take it for granted, That it is impossible that a Papist should come to the Possession and quiet Enjoyment of this Crown, without wading thro' a Sea of Blood, and occasioning such a War as may, for aught I know, shake the monarchical Government of this Nation; and thereby not only endanger himself, but his Children too. For no Man can foresee what may be the End of such a War, nor what Miseries it may bring on the Nation: But, in all probability, it may prove the deepest Tragedy that ever was acted on this great Theatre. For it cannot be imagined, that the great Body of Protestants which are in this Nation, will tamely submit to the Popish Yoke, which they will see in time must be the Consequence of submitting to a Popish King, without some struggling. And Wars begun upon the score of Religion are generally attended with more fatal and bloody Consequences than other Wars; and this may exceed all others that ever yet were made. And I see no way to prevent it, but by passing this Bill, which, so long as it excludes only him, and secures the Crown to his Children, is, I think, (as the Case stands) the greatest Kindness we can do him.'

' Sir, I do much admire to hear some honourable and
learned

learned Members say, that this Bill is against natural Justice, because it condemns a Man before he is heard; and that it is too severe a Condemnation; that it is against the Oath of Allegiance and Principles of our Religion; that it will be a Scandal to our Church, to exclude a Man of his Right, for his Opinion in Religion; that it is a Law that will be void in itself, and that there are a loyal Party which will never obey it; that it will make the Crown elective, and occasion a Civil War; and that the Proviso, as to the Duke's Children, is not strong enough, because the Word, presumptive Heir, is left out.

Sir, the first Objection, I think, is a great Mistake; for this Bill is not intended as a Condemnation to the Duke, but a Security to ourselves; and is so far from being against natural Justice, that the passing of it is agreeable to the very Foundation not only of natural Justice, but natural Religion too; the Safety of the King and Kingdom depending thereon, which, according to the Rules of Justice and Religion, we are bound to use our Endeavours to preserve, before any one Man's Interest. That about the Oath of Allegiance I do a little admire at; for it is the first time I ever heard that Oath pleaded in favour of Popery. I have oftentimes had occasion to scan the Meaning of that Oath, but never found it extended to the Successor during the King's Life; and therefore no need of any Dispensation in that Point. And I cannot understand, how it can be any Scandal as to our Church or Religion, if by Church be meant our Protestant Church. Can our Church, or Churchmen, be scandalized because we endeavour to secure ourselves against Popery by all lawful Means? I rather think the very Supposition an high Reflection on our Churchmen, as rendering them willing to let in Popery, which I am confident they are not. As to what is said, that the Law will be void in itself, and that there will be a loyal Party that will never obey it, and that it will occasion a Civil War; I must confess these are strange Arguments to me: For, to doubt that the Legislative Power of the Nation, King, Lords and Commons, cannot make Laws that shall bind any, or all the Subjects of this Nation, is to suppose there is such a Weakness in the Government as must infallibly occasion its Ruin. And therefore I am of Opinion, that what Laws you make in this Case, will carry as much Right and Strength with them, not only now, but after the King's Death, as any Law whatsoever. And how then can there be a loyal Party that will not acquiesce therein, unless the Word Loyal have some other Signification than I know of? I take it to be a Distinction that can only be given to such as obey Laws; and, I think, we need not doubt, but if once this Law were passed, there would be Protestants enough, whose

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Interest it will be to defend it; that would compel an Obedience to it. And we have much more reason to fear a Civil War without it, than with it; for if we can get this Bill, we may be thereby so united, and enabled to defend ourselves, as that the Popish Party may never have the Confidence to attempt us; but without it we shall not be in any Capacity to defend ourselves; which, above all Things, may encourage a Civil War. As to the Proviso, for securing the Right to the Duke's Children, if it be not strong enough, I am ready to give my Vote it should be stronger; but I take it to be as full and comprehensive as can be made; at least, I take the leaving out the Words, presumptive Heir to the Crown, to be no Objection against it: For there is no such Word in our Law-Books, nor no such Term in treating of the Succession; and therefore I hope you will be careful how you make a Precedent in that Case.

And, Sir, as I do not find there is any Weight in the Arguments that have been made against this Bill; so I think, that if the Preservation of our King, our Government, our Lives, and our Religion, be Things of Moment, that there is much to be said for it. For although the Malignity of Men cannot deface his Majesty's Goodness; yet by assisting the Popish Faction, they have spoiled the beautiful Face of the best Government in the World, by breaking that good Correspondence that there ought to be between the King and his People; by dividing us in Points of Religion; and by being the Cause of just Jealousies and Fears: By which his Majesty is reduced to great Difficulties and Trouble, in the Administration of his regal Authority; and the Credit, Peace, and Tranquillity of the Nation almost irrecoverably lost. As to all which, the Art of Man cannot find out any Remedy, as long as there is a Popish Successor, and the Fears of a Popish King; and therefore I humbly move you this Bill may pass."

Mr. Speaker, Sir, the Arguments that have been used against this Bill may be very excellent to lull us into a fatal Security, by possessing us with Opinions, that there is no need of taking so much care about Popery; or that we ought not to oppose it; or that it will be to no purpose, because we have no Power to hinder it. But I do not see what Weight they have in them, grounded on any other Consideration, to hinder the passing this Bill. Rather, for the same Reason that such Arguments as these here offered against this Bill, and such Endeavours used abroad to reconcile the People to have a better Opinion of Popery than formerly, I think we ought to be the more zealous for this Bill; because nothing can give a greater Encouragement and Assistance to Popery, than the growth of such Opinions, nor prevent their Design who are industrious to infuse them, than the passing of this Bill.

Sir Francis
Winnington.

Bill. Whoever will consider how this Monarchy hath declined in Grandeur, Honour, and Reputation abroad, by the Destruction of our Navy in 1666, and the little Appearance we have ever since made, of being formidable at Sea; but above all, our Ministers Double-Dealing in the making of Alliances, or performing of them, (in order to keep up our Interest with France.) How from being Umpire to all this Part of the World, according to the Advantage which we have by our Situation, we are become the despicablest Nation in Europe. How the Government is weakened at home, not only by Fears and Jealousies, but by the Debaucheries and Divisions which have been promoted amongst our People; how narrowly we escaped Ruin when the City of London was burnt, as well as when the Toleration came out, and the Army was at Black-Heath? as lately by the horrid Plot, if it had not been discovered; how there is nothing stands between us and Death, but the King's Life; and how all these Dangers, past and present, do arise from Popery: And how impossible it is it should be otherwise, as long as there is a Popish Successor, we may justly admire there should be any Arguments offered in this Place to lessen our Care for preventing the Growth and Power of Popery. I cannot tell how these learned Members understand natural Justice; but I am of that Opinion, that Self-preservation, and the Preservation of our Religion, and the Life of our King, by all lawful Ways, is very agreeable to natural Justice. And I do admire to hear such a Construction made of the Oath of Allegiance, that it binds all Persons to the next Heir, as well as to the King. For it is a most dangerous Maxim, and may be of ill Consequence, if ever the next Heir of the Crown should make a Rebellion; for he may thereby challenge Allegiance from the People, as well as the King; which might be of pernicious Consequence. And I do not see wherein our Church or Religion can be scandalized by this Bill. For we do not disinherit this Prince for his Religion, but to save our own, and to prevent the manifest Ruin of the Nation. And therefore I think it is a Kindness to the Church, above all Acts whatsoever; because the only Way to preserve it, I mean the Protestant Church. And those Objections that have been made against the Lawfulness and Validity of this Act, do not weigh with me; but, notwithstanding what hath been said, I do believe it will be as good in Law, if once it be pass'd, and will be as well observed too, as any Act whatsoever. The King hath his Right from God, and, as supreme, is accountable to none; his Person sacred, and, by our Laws, can do no Wrong. If we should give all these Qualifications to a Successor, as hath been, in some measure, insinuated, it would make a strange Confusion in the Government. Life itself, to which

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which a Man hath as much Right, as any Successor can pretend to have to the Crown, is taken away upon some Forfeitures for the public Good. And as there may be a Forfeiture for Life, so there may be a Forfeiture of a Right to the Succession. And to doubt that there is not an unlimited, uncontrollable Power residing somewhere in all Governments, to remedy the Exigencies that may happen, is to suppose there is such a Weakness in this, or any other Government, as that it must fall when a powerful Faction shall endeavour it. In this Nation, this Power is in the King, Lords, and Commons; and I hope they will make use of it to preserve the Government upon this Occasion. And I do not doubt, but if the Bill pass, all will obey it heartily, that wish well to the Protestant Religion. I am afraid, some Ministers of State, place their Safety in common Ruin; or otherwise, the settling of this Affair would not have been so long delayed and opposed, as it hath been. Hath there not been contrived and practised, and is there not still threatened, the greatest and certainest Ruin to this Nation, by this Business of the Duke, that ever was yet projected; and must we be more stupified than our Ancestors? Doth not the Act of the thirteenth of Queen Elizabeth, make it Treason for any one to say, That the Parliament cannot alter the Succession? And in Henry the Eighth's time, was not the Right of Succession changed, and rechanged by Act of Parliament? He then instanced several Precedents, how the Succession had been settled and altered by Acts of Parliament, since William the Conqueror's time, and concluded with a Motion for passing the Bill.

Colonel Leg.

Mr. Speaker, Sir, it is my Misfortune to lie under the Disreputation of being a Papist; but have now an Opportunity of shewing myself otherwise, in declaring that I am against this Bill; for I think there is none but Papists that are of Opinion, that a Man may be disinherited for his Religion. I have also an Opportunity to shew my Duty to my Master, in declaring, that those Reproaches which have been cast upon him are, in my Opinion, very unjust; because I believe he abhors the thoughts of doing those Actions that have been imputed to him; and therefore do think it very hard, that because he may differ with us in Points of Religion, that therefore his Reputation should thus be called in question in this House. Sir, I cannot enter into a Dispute with that worthy Member that spoke last, as to the Precedents he hath mentioned; because I know he is very learned in the Law; and the understanding of such things belong more particularly to such as have had that Education: But I humbly offer it to the Consideration of this House, Whether or no, if our English Histories be true,

tree, most of those Precedents were not accompanied with Blood and Misery? And I am of Opinion, that if this Disinheriting-Bill should pass, it will not have better Success. I cannot doubt, but that this House is for keeping up the monarchical Government of this Nation. We all know, how the Balance hath been altered by Henry the Seventh's lessening the Peers; and Henry the Eighth's destroying the Church, and by the Sale of the Crown-Lands. I pray, Sir, let us have a care how we give a greater Blow than all this, by making the Crown elective. The King lost his Father by one Rebellion, I know this House would not willingly be the Cause of losing his Brother by another; which I am afraid, this Bill, if it should pass, will occasion hereafter; especially if we name no Successor: For which I am the more sorry, because I do not know for whom to draw my Sword.

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Mr. Speaker, Sir, I do observe, and am glad to see it, Sir H. Capel, that all that have spoken in this Business, *pro* or *con*, seem to agree, that we ought to do all we can to preserve the present Government, and prevent a civil War; but we differ about the Way: Some think, that this Bill is the only Way; and others are of a contrary Opinion, I cannot tell for what good Reason. For there being nothing intended by this Bill, but the Exclusion of the Duke only, in order to prevent the great Danger we lie under, by reason of his great Influence at Court at present; and those we fear, if ever a Popish King should ascend the Throne. There being nothing in the Bill that tends any way to prejudice the next Heir, it cannot, in my poor Opinion, weaken, much less tend to alter, the present Government, or be any Prejudice to the Royal Family, more than in the Exclusion of this one Person intended by the Bill. From whom there can be no fear of a civil War; unless we should imagine, that the People of this Nation, when they have a Law, upon the Observation and Execution whereof their Lives, Liberties, and Religion depend, they should be so great Brutes as not to value themselves thereon; but rather embrace a blind, superstitious Religion, and submit to all the Slavery imaginable. We may as well think that, after the King's Decease, the People will be willing to submit to the Government, and pretended Authority of the Pope himself, though they should be never so well able to defend themselves. The worthy Member that spoke last, did in a manner affirm, that all the Precedents that have been mentioned, as to the Succession of the Crown by Act of Parliament, have been accompanied with Blood. If he would but take the pains to peruse the Histories of England, I think he would be of another Opinion. But I am sure,

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none ever equalized the short Reign of Queen Mary. The Barbarities which were exercised in her Reign, by Fire and Faggot, may be put into the Balance with all the Inconveniences that ever happened by any Exclusion-Act. But, Sir, if it had been so, which I utterly deny, it would not have signified much as to our Case; for in those Days, Matter of Right was always so confounded, (I mean, as to the Understanding of the People) by the many Arguments that were imposed on them by each Party, that neither Point of Right, nor any Consideration, as to any thing of Interest, came fairly before them. Whether *A.* or *B.* should be King, was their only Question, without being loaden with any Difficulties; as to which the common and major part of the People in those days might probably be very indifferent. And yet, Sir, upon a full Examination it will be found, that most of those Acts of Parliament, touching the Succession, had the effect they were designed for; and did serve as Expedients, to prevent those Miseries which were feared, and were the occasion of them. But, Sir, the Case will be now much otherwise, if ever you should be so unfortunate, as that the Duke should outlive the King, and you should come to try the Strength of this Exclusion-Bill: For the Question in this case will not be only whether *A.* which is excluded; or *B.* which is the next Heir, shall, according to this Act, be King; but whether it shall be a Papist or a Protestant. Upon which it will plainly appear, the Safety of their Estates, Lives, and Religion, doth depend. Sir, I have heard and read of strange Things done by Popish Miracles; and I must confess, Sir, I have seen much of it, even amongst many that pretend to be good Protestants, since the Plot broke out; I mean, as to their believing any thing against Popery. If some such omnipotent Power should hereafter over-rule in such a Conjunction, haply this Bill, if it should pass into an Act, may be slighted and neglected; but otherwise I humbly conceive, it cannot be presumed, that the Protestants should omit to make use of it, to save themselves from Popery and Slavery, which would be the consequence thereof; and thereby not only prevent a Civil War, but support the Government established in the right Line. The truth is, Sir, the most material Observation that I can make of the Arguments against this Bill is, that it is thought too good for us; and that it may probably be effectual for the securing of the Protestant Religion. And I am afraid, Sir, that this is the fatal Consideration that hath prevailed with some, to advise the King not to grant it. If we consider how all other Laws, which have been hitherto made against the Duke, have been defeated; we may, with some reason, fear the like Success of all others that shall be made

made; unless you can do something that may tend to changing of the Interest; which can never be done without this Bill. We have a great many old Laws against Papists; but I did never hear that any thing was done, by virtue of them, that ever prejudiced the Duke; it was once attempted by a Presentment made by a Grand Jury; the Success was, that a known material Law of the Land must be broken, by an extrajudicial Discharge of the Jury, rather than the Law against him should have any effect. There was a Law, not long since made, obliging all Persons that held or executed any Office, to take the Transubstantiation Test: It is true, the Duke was so brave-spirited, as not to dissemble, and take the Test; though haply he was earnestly press'd with a Dispensation. Yet hath not that Law had any effect, in favour of the Protestant Religion: for though the Duke hath not since acted in his Offices by himself; he put in, as his Deputies, Persons of so much Gratitude, as have in all things followed his Directions; so that, as to himself, the Act hath not proved of any Force. There was another Act lately made, which was intended chiefly against him; I mean that of excluding Papists from sitting in either House; there he got himself fairly excepted by Name. Now we would secure our Religion by another Bill against him, I find it meets with opposition here; what it may meet with elsewhere, I cannot tell. But if such be his Power under a Protestant King; what may we not justly fear, if he should come to be King himself? I think, nothing less than Popery, Misery, and Slavery; from which we can never be saved but by having this Bill: And therefore I humbly move you, that this Bill may pass.

Mr. Speaker, Sir, I will not say, that Acts of Parliament cannot dispose of the Succession; because it was made Treason, by a Statute in the 13th of Elizabeth, which I do not remember was ever repealed. But I will deny, that the Kings of England rule by virtue of any Statute-Law, as was suggested; for their Right is by so ancient a Prescription, as that it may justly be said, to be from God alone; and that no Power on Earth ought to dispute it. And I am of opinion, that the Succession of the Crown is inseparably annexed to Proximity of Blood; and therefore am not yet altered in my opinion, that if this Bill should pass into a Law, it would be in itself invalid. Which, with what hath been already said, that we cannot in Justice answer the inflicting of this severe Condemnation without hearing the Party concerned; and the Improbability of ever attaining this Bill, doth very much weigh with me for my Opinion against this Bill. But, Sir, I think there are many Doubts arise from the penning of the Bill. If the Princess of Orange should

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come to the Crown, during the Duke's Life, and the Duke should afterwards have a Son, must that Son lose his Right for ever? I see no Provision made by this Act to save his Right; and may not that occasion as great a civil War, between his Generation and the Princess's Children, as ever happened between York and Lancaster; and, Sir, I am still unsatisfied, as to that Proviso about the Duke's Children, and that it is not made as it ought to be; and I am afraid, that in the whole matter we are gratifying France, and the Papists too, by laying a Stumbling-block of Division even amongst Protestants themselves, and giving so great an occasion for a civil War; which I hope you will endeavour to prevent, by throwing out this Bill.

John
Trenchard.

‘ Mr. Speaker, Sir, I have hearkned to the Objections that have been made against this Bill, which have not convinced me, that we want either a just Cause, or a legal Power, for the making of this Bill. If the Popish Interest be grown too strong for the Protestant, then any of these Arguments may serve; for Force and Power will supply the Defect of them. Otherwise I think they have been so fully answered, as that there is no need more should be said about this matter; but I am sorry to see, that the Protestant Religion, and our Lives and Liberties, must have nothing to depend on, but the Continuance of the King's Life, and the Good-nature of the Popish Party afterward. And this, after such Demonstration as we have of the Interest of that Party in France, Scotland, and Ireland, as well as here; and after a full Detection of the Growth of that Interest, by means of the Duke's; and of the Endeavours that are used to possess the Protestants, with several opinions that will tend very much to the strengthening of it; and a clear Discovery, that the Plot in favour of Popery goeth on as much as ever. It hath created in me an opinion, that Popery is too strong to be subdued by Laws; and that, after this King's Life, the Protestant Religion must either be overcome by Popery, or defend itself by the Sword. At least, I believe, that this is the design of some Men now about the King; but I hope he will at last hearken to the Advice of his Parliament, and prevent the Nation from falling into so miserable a Condition. The Objection made about the Duke's Son, if he should have any, after either of his Daughters have taken possession of the Government, may, in some measure, be made against the course of Succession observed in all Kingdoms: If a King die, leaving a Queen, the next Heir is presently proclaimed, to prevent an *Inter-regnum*; though there be a possibility of the Queen's being with Child, to whom the Right should, in the first place, belong. If any such should be born, such a Settlement as is
designed

designed by this Bill may destroy the French and Popish Interest, but can never be a Gratification to them. Our Ancestors, upon many occasions, settled and changed the Succession ; [Of which he gave many instances ; and concluded for the Bill.]

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After which it was resolv'd, that the said Bill do pass ; that the Title be, *An Act for securing the Protestant Religion, by disabling James Duke of York, to inherit the Imperial Crown of England and Ireland, and the Dominions and Territories thereunto belonging :* and that the Lord Ruffel do carry up the Bill to the Lords for their Concurrence. The Exclusion-Bill pass'd.

November 12. The House resolv'd, that a Message be sent to the Lords, to acquaint them with the Resolution of this House to proceed to the Trials of the Lords in the Tower, and forthwith begin with the Lord Viscount Stafford, and to desire their Lordships to appoint a convenient Day for the Trial of the said Viscount ; and, likewise to desire their Lordships, that the Lords in the Tower may be confin'd and kept from Correspondence one with another, as usual in the like cases. Proceedings against Lord Stafford renewed.

To which their Lordships reply'd the same day, That as to the Confinement of the Lords, they had already given orders as the House desired ; and that as to the Trial of the Lord Viscount Stafford, they had appointed Tuesday come Fortnight for the said Trial.

The 13th, Several Citizens of London having before delivered in a Petition against Sir George Jefferies the Recorder of the said City ; and having made good their Allegations before the Committee appointed to enquire after Persons who had offended against the Right of the Subject to petition, &c. the House resolv'd, that the said Sir George Jefferies, by traducing and obstructing petitioning for the Sitting of this Parliament, hath betray'd the Rights of the Subject. And against such as had opposed the Right of the Subject to petition.

Order'd, That an Address be made to his Majesty, to remove Sir George Jefferies out of all public Offices ; and that the Members for London do communicate the Vote of this House, relating to Sir George Jefferies, to the Court of Aldermen for the said City.

Order'd farther, That the Committee last mentioned do enquire after all such Persons as have been advising or promoting of the issuing out of the late Proclamation against tumultuous Petitioning, &c. and they are empowered to send for Persons, Papers, and Records. Debate on his Majesty's Message concerning Tangier.

The 17th, His Majesty's Message about Tangier was read. ' His Majesty did, in his Speech at the Opening of this Session, desire the Advice and Assistance of his Parliament, in relation to Tangier : The Condition and Im-

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portance of the Place obliges his Majesty to put this House in mind again, that he relies upon them for the Support of it; without which it cannot be much longer preserv'd. His Majesty doth therefore very earnestly recommend Tangier again, to the due and speedy Care and Consideration of this House.

Sir William
Jones,

Mr. Speaker, Sir, I am very sorry that the Business of Supply for Tangier is now moved; because I take it to be a Place of great Importance, and that, as well for the Honour of the Nation, as Benefit of Trade, it ought to be preserved. But, Sir, we have now Things of greater Importance to look after, of so pressing a nature, and of so dangerous consequence, if delayed, that we cannot answer, either to our King or our Country, the preferring this before it. It is a Duty incumbent on us, to secure Things at home, on which our All depends, before we enter into an Expence of Time about securing Things abroad. If an Enemy were but coming to invade us, it might be proper to fortify Dover-Castle, Portsmouth, or Plymouth, or any of our Port-Towns: But if an Enemy were actually landed, it would be more proper to strengthen London, or other in-land Cities or Towns. I am afraid, Sir, this is too much our Case; I am afraid we have got an Enemy within our Bowels, and a great one too; and that it is high time to make Preparation to oppose him. We have been already careless and inconsiderate too long; and shall we now go about Tangier, instead of continuing our Endeavours about that? Tangier may be of great Importance to Trade; but I am afraid, hath not been so managed, as to be any Security to the Protestant Religion. The Portuguese, when they delivered it up, did covenant to have one Popish Church remain there, for the Conveniency of some Priests and Friers, and others of that Nation that were permitted to stay there; but it was then agreed, That their Mortality should not be supplied, that so, after the decease of those Persons, the said Popish Church might be demolished, or converted to a Protestant Use: But I am well informed that it hath been otherwise managed; and that the Papists there are now more than ever. And was not my Lord Bel-lasis, now a Prisoner in the Tower for the Plot, Governor of Tangier? And, I think some others of that Religion; if not, I am sure the Soldiers and Commanders are most of that Religion; which makes me conclude, it is a kind of Nursery for Popish Soldiers; and haply for that Reason, as much as for the Advantage of Trade, may the Advice given his Majesty, in reference to Tangier, proceed. But, Sir, there is another Consideration, which will make the Debate of Tangier improper at this Time; it must end in Money, and not a little

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Sam neither, enough to raise an Army ; which, although in time I doubt not but this House will be willing to advance, as far as his Majesty's occasions shall require ; yet I think, Sir, we are not ready for it as yet. We must be better satisfied into whose Hands it will go ; whether to such Persons as are for the Popish Intérest, or Protestant ; that so we may not be afraid, that, instead of going to the Support of Tangier, it should be employed to the Destruction of the Protestant Religion. When these things have been looked into, and secured, then it will be time to take care of Tangier, and of all other his Majesty's Dominions. In the mean time, our Duty binds us to give his Majesty all the satisfaction we can, as to our Proceedings ; and therefore I humbly move you, that a Committee may be appointed to draw up an Address for that purpose.

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Mr. Speaker, Sir, every one that knows how advantageously Tangier is situated, to command the greatest thoroughfare of Commerce in the World, and how by the Advantage of the Mole, it is like to prove an excellent Receptacle for our Merchant-Ships, to further and secure them in their Trading Voyages into the Streights, and for our Men of War, when they may be employed in those Parts, to check or oppose the Turks or other Enemies ; how advantageous it is for carrying on a Trade with Spain, in cases of Extremity ; and what hopes we have of opening a Trade into Barbary that way ; I say, every one that will consider these things, will, I suppose, have reason to conclude, that it is a Place of great Importance, and not to be slighted. And I cannot believe that it is any Nursery for Popish Soldiers, as hath been argued ; for it is well known under what a Regulation our Soldiers are, not only here in England, but in Ireland too, of taking such Oaths and Tests as secures them to be Protestants. And therefore I am confident they were not Papists when they went hence, or from Ireland ; and I have not heard there is any such Conversion made among them there, nor do believe there are so many Instruments there for that Work. If this Business come before you unseasonably at this time, it is because the Necessity of the Affair requires haste : For, either this House must speedily give some Assistance for Tangier, or else it will be lost. For the Moors are come down with such a mighty Army, and his Majesty hath been at so great an Expence already, that he is not able of himself to do more to oppose them. And this sudden Danger could not by any means have been foreseen ; for the Motions of the Moors with their Armies are not like those of Europe, but more quick and sudden ; and their Designs and Consultations out of the reach of any Discovery by Intelligence, before put in execution. This

Laurence Hyde

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Notice is more seasonable now, than it would have been after the Place had been lost, which I am afraid will be the next news, if something be not done by this House to relieve it. And therefore I humbly move you to think of some effectual way to relieve it for the present, and secure it for the future, against the like Attempts.

John Hampden.

‘ Mr. Speaker, Sir, among the rest of the Regiments that have been sent to Tangier, I think there is my Lord of Dunbarton’s; haply that Air might have changed them, but I am sure they were looked upon as rank Papists all the while they were here, and, I believe, in Ireland too. I have heard that one Argument, that was lately given elsewhere against a Bill which we passed in this House, was, that the Duke had all the Papists in England ready for his Assistance; that his particular Friends had the Command of all the Places of Strength in this Nation; that he had an Army of twenty-two thousand Men in Scotland at his Command; that in Ireland the Papists were six to one for the Protestants; and that most of the Princes of Christendom were combined for his Assistance; add to this, that the Government of Tangier is also at his command, and, I think, we shall have no great reason to give Money as yet; I am very well satisfied, Sir, that we ought, and must put a trust in the King; an Argument much used in former Parliaments, I do admire hath been so long forgotten in this. I am sensible too, that this Nation cannot be happy, unless there be such an Understanding between the King and his People, as that Money may be given. But, Sir, if the things I have repeated be true, as I am afraid they are, how shall we be sure, that what Money we give shall ever go to the King? May it not be intercepted by the mighty Power we have been speaking of? May it not be a great temptation for carrying on the Plot, especially as to that Part of it that refers to his sacred Life? If there were no other Reason to be given but this, why we cannot at this time give Money, I think it enough: For there is a perfect Contradiction between the King’s Interest and the Duke’s Interest; and until we see about the King, Persons less engaged for the Duke’s Interest, we cannot answer the giving of Money; and I humbly move you, that the Committee may make this Consideration part of their Address.’

William Harbord.

‘ Mr. Speaker, Sir, my Lord Bellasis hath not only been Governor of Tangier, but of Hull too; and what a Place is that to be entrusted with a Papist, I refer to your Consideration. And he was not only always in Places of great Trust, but in so great a Power, that none of the Laws of this Land could ever reach him. Only upon breaking out of the Plot, he was committed to the Tower; but now that he

he is there, he hath so much Power, (he or his Friends for him) as that he hath all the liberty he can there desire; and farther Proceedings against him are kept off by Prorogations and Dissolutions of Parliaments. By which the Evidence of the most material Witnesses, as to the Plot, is lost, and great Endeavours have not been wanting to corrupt or defame the rest. By which it is plain, though he be in the Tower, yet his Interest is not much abated; inasmuch, as many believe, that the Duke's Interest and Popery, is in a great measure carried on, upon Consultations held with him, and some of the rest in the Tower. At least this is certain, that they know all Secrets of State as soon as any Persons without. And therefore I think we are not yet ripe to give Money for Tangier. And, Sir, I am of opinion, that Tangier is a Nursery for Popish Soldiers; amongst the rest, I think Captain Tom is there, who was to have headed the Apprentices Mutiny in London, and, if I be not misinformed, a Captain too for that intended eminent Service. When we are assured that we shall have a good Protestant Governor and Garrison in Tangier, then I shall heartily give my Vote for Money for it; but I am afraid that will never be, until we are sure of a good Protestant Successor at home. Sir, I see that new Dangers start up daily, and that the Popish Interest is strong enough to bid defiance to the Protestants, the Power and Merits of the Duke being magnified frequently above the King's. How to prevent the Growth of it, I do not know; all that we can do at this time is, to appoint a Committee to draw up an Address (as hath been moved) to represent things fairly to the King, and pray, Sir, let it be drawn with that Duty and Humility as becomes Subjects, but with that Truth and Plainness as becomes a true English House of Commons.

‘ Mr. Speaker, Sir, I am very sensible of the Danger of Popery, and am sorry to see that our Danger is now greater, than it was seven Days ago; seeing we are not like to have those Laws to secure us, which we hoped for; and therefore I am not for entering into any Debate about Money. But, Sir, seeing that Tangier is a Place of so great Importance, and in so great Distress, and seeing his Majesty hath so heartily and earnestly recommended it to the Care of this House, as well by this Message, as by his Speech at the Opening of this Parliament; I humbly conceive you will do well to order, that a true Account be brought in of the State of Tangier, that so it may be in a readiness to be considered at a more leisure time, when you have found out, and are assured, that you shall have some Expedients to secure you from Popery, that may satisfy this House instead of the Exclusion-Bill. Some such order may satisfy the
World,

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Edward Deering.

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World, that we were making all the haste we could to supply it, that so the Loss of it (in case it should so happen) may not be imputed to this House. And I make no doubt but there may be some way found out, so to lodge and appropriate the Money, as that it may be secure for that use; and therefore I humbly move you that you would order, that an Account of the State and Condition of Tangier may be brought in.

Col. Birch.

‘ Mr. Speaker, Sir, I could wish our Fears and Jealousies were either so inconsiderable, or so well over, as that we were ripe to consider the State of Tangier, and into whose hands to lodge Money for it. But if our Bill be miscarried, and the Power and Strength of the Duke’s Party be as I have heard, I think we ought in the first place to consider, whether we have any thing to give or no. And if we find we have not, or that it is in great jeopardy, I think we ought first to secure that a little better, before we treat of securing Tangier. I confess the Arguments that I hear have been used elsewhere against our Bill, have a little startled me. For now I see why all the Laws made against the Duke have proved ineffectual; and that notwithstanding all the Endeavours of Parliament, he hath had the Administration of all Affairs, not only in England and Scotland, but I think in Ireland too, (if we believe the Irish Witnesses,) even since the breaking out of the Plot: Even because the Duke and the Popish Interest are, I am afraid, strong enough for the King and the Protestant Interest. And, if so, I think we may take it for granted, that we have not any thing of our own; for I conclude, if Popery come in, not only the Church-Lands, but all the Lands we have will be little enough for them; for they will never want a good, holy, sanctified, religious Pretence, to take them from us: Rather than fail, I doubt not but that they will be able convincingly to make out, that we are Bastards, or that they have a Right *jure divino*; to which there can be no opposition.

‘ Sir, I think we cannot answer to God nor Man the giving of Money, until there be a great Reformation all over the Nation, as to Persons in Trust and Command. Not but that there are very worthy Men in several Places; but I am afraid, no where without being overpowered by such who are for the Duke’s Interest: And for my part, I desire to speak plain, I cannot make any Distinction between the Duke’s Interest and the Popish Interest. If there be any body that can split that Hair, I wish he would do the House that Service; for I take it to be a material Point, and fit to be agreed some way. And if it be so, Sir, can we give Money, as long as there are eleven to seven in some Places
certainly

certainly known, and all in others, and in Places of great Importance too? Anno 32 Car. II.
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Sir, I am very sensible that this Session can never be successful, nor the Nation happy, unless we come to have so fair an Understanding with his Majesty, as that we may freely give him Money; which seeing it cannot be done with any Security to the King or his Government, as long as the great Affairs of this Nation are thus influenced, that there may be no just cause of having any Imputation lie at our door, I agree in the Motions that have been made for an Address, and desire it may be drawn very full and plain."

' Mr. Speaker, Sir, I am much afraid of Tangier, but more of a Popish Successor. By the one we may lose something of Trade; but by the other, our Religion, and all we have, stands in danger. And therefore, until we are secured as to that, for my own part, I do not think myself concerned in any thing else. Sir, for these two Years last past, there hath been talk of Expedients to secure us against Popery; I believe it was only to quiet our Thoughts, while Popery steals on upon us. For we are so far from having any Expedients brought to perfection, to secure us against Popery, that all Endeavours go on as much as ever to bring in Popery: Parliaments are kept off; the Witnesses as to the Plots, both English and Irish, abused and consumed; the Churchmen set up to labour for a Prosecution of the Dissenters, in order to divide yet more the Protestant Interest; and false Witnesses, in favour of Popery, countenanced and encouraged.

George
Vernon.

' Sir, these are strange Expedients against Popery; I begin to be persuaded, that our Case is very desperate, and that the Popish Party themselves cannot contrive any thing for us that will look like an Expedient: For I make no doubt, but the whole Cabal of Jesuits have been at work about it, and that they would have spawned something, if it had been possible, before now. But I believe it is found to be very difficult to find out any thing that will look like an Expedient, and yet not prove so: And therefore now they are plainly carrying on those things that must be prosecuted in order to establish Popery, in case the Expectation of Expedients should not longer lull the People asleep; the ridiculing of the Plot, the Divisions between our Churchmen and Dissenters, and the Danger or Inconsistency of Parliaments with a monarchical Government: Which things will deserve a longer Debate, when you shall think good to appoint a Day for them. But, in the mean time, without endangering the Religion and Government of the Nation. But that we may always shew to his Majesty's Messengers, that

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Respect which is due to them, and, if possible, satisfy him, that our Resolutions are grounded on true Reason, let a Committee be appointed to draw up an Address, upon the Debate of the House.

Silas Titus.

Mr. Speaker, Sir, I think that nobody should move you to take the State of Tangier into your consideration at this time, without an Apology : For, if we should be persuaded thereto, we may be reflected on, as Nero was, for being playing on his Fiddle when Rome was on fire. When we are in such danger to have our Throats cut from within, to what purpose will it be to spend our time about securing things abroad ? Especially when we plainly see, it cannot be effected by any Supplies, without increasing our Fears and Dangers of our Destruction. Is not all England in danger to be lost ? Let us secure the Ship, before we dispose of the Cabbins. When we are secure against a Popish Successor, and the Fear of having a Popish King, then it will be time to think of Tangier : For, as the Power of a Popish Successor hath lately appeared in the Opposition made to our Bill, so, I make no doubt but it will appear in the Management of our Money too, if we should give any. When the Stomach is clean, what Food a Man takes turns to Nutriment, and preserves the Life and Strength of the Body ; but when the Stomach is foul, Food turns to Humour and Destruction. Sir, so it is with the Body politic : When the King shall be pleased to remove from him such as give him ill advice, and are against the Protestant Interest, that so we may have reason to presume, that the Money will be employed for our good, then I hope we shall be ready to shew our Duty, in giving as much Money as his Occasions shall require ; otherwise I am afraid we may be served as we have been formerly. I remember when 1,100,000*l.* was given for building of Ships, and not one Ship built ; and above two Millions given to support the Triple League, and then it was presently employed for the breaking of it ; when 1,200,000*l.* was given for an actual War with France, when at the same time we were under all the Obligations for Peace, and so continued. Sir, these are such material Memento's, as we ought never to forget, until we have more cause to look forwards, and not backwards ; which I pray God we may have very speedily, and then I shall be ready to join in giving of Money, and be very well content to forget all that is past. But I yet think our Condition is not so happy, but rather fear the Management of our Affairs is very much out of order : For, though we had never more Treasurers, we had never less Money ; never more Admirals, yet never a worse Fleet ; and though never more Counsellors, yet never less Safety. Of which I hope his Majesty is, or will be sensible.

sensible. For it cannot be imagined, that, seeing he hath so much care for Tangier, he should want any for the Nation. That we may do our duty in giving him the best advice we can, let us give him the Grounds and Reasons of our Proceedings by an Address, as hath been moved.

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‘ Mr. Speaker, if ever there should happen in this Nation any such Change, as that I should not have liberty to live a Protestant, I am resolved to die one; and therefore would not willingly have the hands of our Enemies strengthened, as I suppose they would be, if we should give Money while we are sure it must go to the hands of the Duke’s Creatures. Doth not the Duke’s Interest endanger the King’s Life? And are not our Lives and Fortunes in danger to be swallowed up by his Power? And shall we yet make them stronger by putting Money into their hands? No Sir, they are too strong already; but whenever his Majesty shall be pleased to free us of the Danger of a Popish Successor, and remove, from his Council and Places of Trust, all those that are for his Interest; (because there can be no distinction made between the Duke’s Interest and Popish) then, Sir, I will conclude, that what Money we shall give, will be disposed of according to his Majesty’s own Royal Pleasure, and for the true Protestant Interest. And I shall be ready to give all I have in the world, if his Majesty should have occasion for it; but in the mean time I pray, Sir, let us not endeavour to destroy our selves by our own hands. If we may not be so happy as to better the Condition of the Nation, I pray, Sir, let us not make it worse. And until the King shall be pleased to give us encouragement to express our Duty and Loyalty to him, by giving him Money, let us do it by making an Address.’

Lord Russell.

‘ Mr. Speaker, Sir, I have reason to have some knowledge of Tangier, having been there myself, and conversed all my Life-time with Persons that have gone up and down the Streights, and been there many times, but I cannot agree with those worthy Members that make it a Place of so great Importance. That we shall ever thereby open a Trade with the Moors is a mere chimæra; they will not have any Trade with us. All the hopes we can have of any Advantage from it, is from the Mole, if it should be finished. But I am afraid we have seen the best of it, and that it will hardly ever be brought to more perfection than it is. But, Sir, if it should, in a time of Peace with Spain, it will be of little use to us; for the Bay of Cadiz is upon several Accounts so much more convenient for Ships to stop at, that it will always be preferred. For they will not only have a Safe-riding, but the Merchant Ships great Advantages made by Freight of Sales of Goods, which generally

William
Lenthall.

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happens in that Port, and of good Company, whether going up or down the Streights. Our Men of War do not there want Conveniencies to careen, or other Necessaries, and will be then more ready to do the Nation Service, by convoying Ships, than at Tangier, as also to carry on the Money Trade. But it is true, that in a Time of a War with Spain, it would be very serviceable to us. But if it must cost 100,000 *l. per Annum*, and if a War with Spain be not like to happen one Year in twenty, I am of opinion that the certain Charge will amount to more than the uncertain Inconveniency, and therefore that we need not be so extremely concerned for it.

Thomas Lucy.

‘ Mr. Speaker, Sir, I should not have concerned myself in this Debate, but that I differ from that worthy Member that spoke last: For I think it would be a great Blow, not only to the Honour, but to the Trade of the Nation, if Tangier should be lost: For it will always be serviceable, as well for our Men of War to resort for Provisions, and to be cleaned, in order to check the Rapine of the Turks, or oppose other Enemies, as for the Protection of our Merchant-men. In time of Peace with Spain, it will (if we have Enemies) be better to have two Ports than one; in time of War with Spain, much better have this than none: And even in the time of Peace, it must be serviceable upon many Occasions, because of its Situation on the Barbary side, as I take it, and Cadiz on the Christian Shore, and both near the Streights Mouth, the greatest Passage for Ships in the World. And by parting with it, we may not only be prejudiced for want of the Conveniency of it, but by the great Inconveniencies that may arise, by falling into the Hands of the French, Turks, Moors or Spaniards. And therefore I think the Charge of maintaining it must not be considered in this Case; and it is not so much, but that if we could once fall into the way of sending good Governors there, that would mind the promoting of Trade, haply the Gains that might be levied thereon would in some time prove sufficient to maintain the Garrison. And if we should now part with it, we should lose the two Millions we have laid out on the Mole, which I think may also be worth our Consideration. Sir, I do well remember what a Cry there was in this Nation, upon the delivery up of Dunkirk to the French; I believe if Tangier should be delivered up, there would be more, and I think not without cause too: For I am afraid, that whenever we may have a War with France, we shall find that he hath already too many Locks upon us in the Streights, seeing he is so formidable at Sea. And I think if it were for no other Reason but to secure the Place out of his Hands, we ought to keep the Possession of this Place.’

‘ Mr.

‘ Mr. Speaker, Sir, by the Discourse which the worthy Member made who spoke last, I hope you are fully satisfy’d that Tangier is a Place of great importance, and you may conclude that his Majesty is clearly of that Opinion, or else it is not likely, that after he had recommended it to you in his Speech, he would now so soon have minded you of it again by his Message. And being so, I hope this House will not have the Loss of it lie at their Doors, which I take for granted, will be the Fate thereof, if some supply be not given for its support speedily: For his Majesty’s Revenue will not bear, the advancing of more Money towards it, the great Supplies lately sent having been very chargeable; and yet there must be an additional Supply, and that a considerable one too, ere long, to make up the Garrison four thousand Men, or else the Governor writes he cannot be in a Posture to defend the Town, the Army of the Moors is so potent.

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Sir L. Jenkins.

‘ Sir, I have heard the many Reasons that have been given, why Money cannot be at present advanced, I cannot say, without being much concerned to hear the Ministers so arraigned, and I think without cause; for I believe there are none about his Majesty but what are very good Protestants, and willing to do all they can for that Interest: Which I hope upon a farther Consideration will not be found to be in such apparent danger. But if there be any thing amiss, which in the Management of so great Affairs under such Difficulties as the Nation hath lately struggled under, may possibly be, I am confident the loss of Tangier will no way remedy it; but, on the contrary, the giving of Money for the Support of Tangier, being his Majesty doth so earnestly desire it, is, I think, the only way of this House to gain a good Opinion with his Majesty, and to obtain what they desire; and therefore I hope you will take it into your Consideration.’

‘ Mr. Speaker, Sir, my Apprehensions as to the State of the Nation, and Danger of Popery, are no way abated by what this honourable Member hath said; and therefore I think the Business of Tangier looks too little for this Day’s Debate; especially if we consider how the Bill, upon which all our Hopes were grounded, as to the Security of our Religion, hath been used by the Lords, thrown out without so much as a Conference, whereas they do not usually do so, with Bills that relate to some little Trade. It is strange that after they have so often declared the Danger of Popery, and a Popish Plot, they will neither receive any Remedy from us, nor propose any to us. But rather, on the contrary, be so industrious to blast all our Endeavours that tend that way; well may we be afraid of our Religion, if the Fathers of the Church will join, in being against the only Means that can save it. These are fresh Instances of the mighty Power and Influence

Sir F. Wington.

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Sir William
Temple.

Influence of a Popish Successor; what may we expect from them if we should have a Popish King? I think, Sir, if there were no other Reason, it is enough to make us cautious how we give Money; and to take such notice of it in our Address as may be convenient.

‘ Mr. Speaker, Sir, this Debate hath more of Weight in it, than the Business of Tangier, I think. As Affairs now stand, the most Part of Christendom is concerned in it, I am sure all the Protestants. And therefore I hope your Patience will hold out, to have the whole Circumstances of it fairly examined: For the Arguments that have been offered in the Consideration of this Message, have enlarged the Debate farther than was at first intended, and have brought the whole State of the Nation in some measure before you, instead of that one particular Business of Tangier; so that now what Resolve you make will be a Discovery of your Inclinations, not only as to what you intend to do as to a Supply for Tangier, but as to giving Money for Alliances and all other Occasions, upon which Result, the good or bad Success of this Parliament doth depend. As to Tangier, I do agree with that worthy Member that spoke before, (though many are of a different Opinion) that it is not of any great use to us upon the account of any Advantage we shall make by it. But however, I think it is very well worth our keeping, because of the Disadvantages we should receive by it, if it should fall into the Hands either of the Turk, or Spaniard, but especially the French; who will not only be thereby enabled to fetter us, as to our Trade in the Levant, but to curb also all other Nations whatsoever, and be such an Addition to the too great Power he hath acquired, both by Sea and Land already, that I am of Opinion, we ought to be very cautious how we weaken the Security we now have that it shall not fall into his hands. But if the Mole and the Town could be blown into the Air, or otherwise reduced into its first Chaos, I think, considering the Charge it will cost keeping, England would not be much the worse for it; but to move you to consider any thing about that, at this time, cannot be proper, because the Moors have so besieged it, that the first Thing that must be done, whether in order to keep it, or destroy it, is, to beat them off, by some speedy Supplies which must be presently sent, or else the Town, according to the best Information come from thence, is like to be lost. And, Sir, I think this single Consideration may be persuasive to move you to give some such Supply, as may be precisely necessary for the Defence and Protection of this Place. A small Sum of Money, in comparison of what this House hath formerly given, may be sufficient

sufficient to satisfy his Majesty's Expectation, and secure the Place too. But I must confess, Sir, it is not the Consideration of Tangier that makes me press you to it; but the deplorable Estate of the Protestants abroad. Sir, I have had the Honour to serve his Majesty in some Public Employments, and by that means may be a little more sensible of the State of Affairs in reference to our Neighbours, than others may be, having not only had the Advantage of Information, but was under a necessity of using my best Endeavours to get a true Account of them. Sir, I am confident the Eyes of all Europe are upon this Parliament; and not only the Protestants abroad, but many Catholic Countries, (who stand in fear of the Power of France) do think themselves as much concerned in the Success of this Parliament, as this House, and will be as much perplexed to hear any Ill-News thereof. This, Sir, as well as the Necessities of our Affairs at home, makes me trouble you at this Time, to desire you to be careful what you do, that we may not occasion in his Majesty any dislike to this House. Whatever you do as to the Business of Money for Tangier, I pray, Sir, let there be no notice taken in your Address, of the Lords having cast out your Bill; for we have no reason to think the King was any ways concerned therein. To throw out a Bill of so great Importance, without a Conference, was, in my humble Opinion, very strange, and contrary to the usual Proceedings of that House. But pray, Sir, let it lie at their doors that did it, for the King could not be concerned in a Parliamentary Way. For by this means we may obviate all Misunderstandings with his Majesty about this Affair, and, I hope, create in him a good Opinion of this House, upon which the Welfare not only of this Nation, but of Europe, doth much depend.

' Sir, his Majesty in his Message puts you in mind of giving Advice as well as Money. I think if we make that Expression the ground of our Address, we may naturally graft very good Things thereon, especially what may conduce to the Preservation of a fair Correspondence. Sir, Though a King alone cannot save a Kingdom, yet a King alone can do very much to ruin it: and though Parliaments alone cannot save this Kingdom, yet Parliaments alone may do much to ruin it. And therefore we cannot be too circumspect in what we do. It is our Fortune to sit here in a critical Time, when not only the Affairs of this Nation, but the Protestant Religion abroad, need our Continuance; and for the same reason we may justly fear, that there are those who endeavour to contrive the putting off this Parliament. I pray, Sir, let us not give them any Advantage,

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vantage, and then I doubt not but his Majesty's Care and Goodness will at last overcome all Difficulties, and bring this Session to a happy Conclusion.'

' Mr. Speaker, Sir, I think his Majesty may easily send Succour to Tangier without any great Charge. Here are three or four Regiments of Soldiers about this Town, which do rather hurt, than good to the Nation; and therefore may very well be spared; and then that Money which pays them now here, may pay them there, and so I suppose there will be no need of Money, save only for their Transportation.'

' Mr. Speaker, Sir, This Business hath been so long and fairly debated, as that I think it is high time you should come to a Question, and put the Business off your Hands. I hope there will be great care taken in drawing this Address, that so our Enemies may not have any ground to represent us as a stubborn Parliament, that have no Intention to give Money upon any Terms whatsoever. I think, Sir; we may be plain with his Majesty, and give him as full Assurance as ever any House of Commons did, that when we have those Things granted, which are unavoidably necessary for the Preservation of our Religion, that we will freely and heartily give Money for the Supply of his Occasions; and I cannot but hope, that such fair Proceedings will occasion a happy Issue to this Parliament. For it cannot be doubted, but that the King is very sensible, That he owes more to his People in general, than to any one Man, be he Brother, or any other Relation; and that he cannot, without much trouble to himself, because of his Coronation Oath, longer permit that our Laws and Religion should be in such imminent danger. And therefore I hope that we shall not only have a fair Correspondency continued, but also a gracious Compliance, in what we have desired for the effectual Security of our Religion, and therefore would desire you to put the Question for a Committee.'

Resolved, That a Committee be appointed to draw up an Address to be presented to his Majesty, upon the Debate of the House, humbly representing to his Majesty the dangerous State and Condition of the Kingdom, in answer to his Majesty's Message.

The humble Address of the Commons in Parliament assembled.

The Commons
Address.

' May it please your most excellent Majesty, We your Majesty's most obedient and loyal Subjects, the Commons in Parliament assembled, having with all Duty and Regard taken into our serious Consideration, your Majesty's late Message relating to Tangier, cannot but account the Present Condition of it, as your Majesty is pleased to represent it in your sacred Message, after)

(after so vast a Treasure expended to make it useful) not only as one Infelicity more added to the afflicted estate of your Majesty's faithful and loyal Subjects, but as one Result also of the same Counsels and Designs, which have brought your Majesty's Person, Crown and Kingdoms, into those great and imminent Dangers, with which at this Day they are surrounded; and we are the less surpriz'd to hear of the Exigencies of Tangier, when we remember, that, since it became part of your Majesty's Dominions, it hath several times been under the Command of Popish Governors, (particularly for some time under the Command of a Lord impeached, and now Prisoner in the Tower for the execrable and horrid Popish Plot) that the Supplies sent thither have been in great part made up of Popish Officers and Soldiers, and that the Irish Papists among the Soldiers of that Garrison, have been the Persons most countenanc'd and encouraged.

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To that Part of your Majesty's Message, which expresses a Reliance upon this House for the support of Tangier, and a recommendation of it to our speedy care, we do with all Humility and Reverence give this Answer: That although in due time, and order, we shall omit nothing incumbent on us for the Preservation of every Part of your Majesty's Dominions, and advancing the Prosperity and flourishing Estate of this Kingdom; yet at this Time, when a Cloud, which has so long threatned this Land, is ready to break on our Heads in a Storm of Ruin and Confusion, to enter into any farther Consideration of this Matter, especially to come to any Resolution in it, before we are effectually secured from the imminent and apparent Dangers, arising from the Power of Popish Persons and Counsels, we humbly conceive will not consist either with our Duty to your Majesty, or the Trust reposed in us by those we represent.

It is not unknown to your Majesty, how restless the Endeavours, and how bold the Attempts of the Popish Party, for many Years last past, have been, not only within this, but other your Majesty's Kingdoms, to introduce the Romish, and utterly to extirpate the true Protestant Religion. The several Approaches they have made towards the compassing this their Design (assisted by the Treachery of perfidious Protestants,) have been so strangely successful, that it is matter of Admiration to us, and which we can only ascribe to an overruling Providence, that your Majesty's Reign is still continued over us, and that we are yet assembled to consult the means of our Preservation. This bloody and restless Party, not content with the great Liberty they had a long-time enjoyed, to exercise their own Religion privately amongst themselves, to partake of an equal Freedom of their Persons and Estates, with your Majesty's protestant Subjects, and of an Advantage

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above them, in being excused from chargeable Offices and Employments, hath so far prevailed, as to find countenance, for an open and avowed Practice of their Superstition and Idolatry, without controul, in several Parts of this Kingdom. Great Swarms of Priests and Jesuits have resorted hither, and have here exercised their Jurisdiction, and been daily tempting to pervert the Consciences of your Majesty's Subjects.

' Their Opposers they have found means to disgrace ; and if they were Judges, Justices of the Peace, or other Magistrates, to have them turned out of Commission ; and in contempt of the known Laws of the Land, they have practised upon People of all Ranks and Qualities, and gained over divers to their Religion ; some openly to profess it, others secretly to espouse it, as most conduced to the Service thereof.

' After some time they became able to influence Matters of State and Government ; and thereby to destroy those they cannot corrupt. The continuance, or prorogation of Parliaments, has been accommodated to serve the Purposes of that Party. Money raised upon the People to supply your Majesty's extraordinary Occasions, was, by the prevalence of Popish Councils, employed to make War upon a Protestant State, and to advance and augment the dreadful Power of the French King ; though to the apparent hazard of this, and all other Protestant Countries. Great numbers of your Majesty's Subjects were sent into, and continued in the Service of that King, notwithstanding the apparent Interest of your Majesty's Kingdoms, the Addresses of the Parliament, and your Majesty's gracious Proclamations to the contrary. Nor can we forbear to mention, how that, at the Beginning of the same War, even the Ministers of England were made Instruments to press upon that State, the acceptance of one Demand, among others, from the French King, for procuring their Peace with him, that they should admit the public Exercise of the Roman Catholic Religion in the United Provinces ; the Churches there to be divided ; and the Romish Priests maintained out of the public Revenue.

' At home, if your Majesty did at any time, by the Advice of your Privy Council, or of your two Houses of Parliament, command the Laws to be put in execution against the Papists, even from thence they gained Advantage to their Party, while the Edge of those Laws was turned against the Protestant Dissenters ; and the Papists escaped, in a manner, untouched. The Act of Parliament, enjoining a Test to be taken by all Persons admitted into any public Office, and intended for a Security against Papists coming into Employment, had so little Effect, that, either by a Dispensation obtained from Rome, they submitted to those Tests, and held those Offices themselves ; or those

those put in their Places were so favourable to the same Interests, that Popery itself rather gained, than lost ground since that Act.

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‘ But that their Business in hand might yet more speedily and strongly proceed, at length a Popish Secretary (since executed for his Treasons) takes upon him to set on foot and maintain Correspondencies at Rome, (particularly with a native Subject of your Majesty’s, promoted to be a Cardinal) and in the Courts of other foreign Princes (to use their own Form of Speech) for the subduing that pestilent Heresy, which has so long domineered over this northern World; that is, to root the Protestant Religion out of England; and thereby to make way the more easily, to do the same in other Protestant Countries.

‘ Towards the doing of this great Work, (as Mr. Coleman was pleased to call it) Jesuits (the most dangerous of all the Popish Orders, to the Lives and Estates of Princes) were distributed to the several Precincts within this Kingdom, and held joint Councils with those of the same Order, in all neighbouring Popish Countries: Out of these Councils and Correspondencies was hatched that damnable and hellish Plot, by the good Providence of Almighty God, brought to light above two Years since, but still threatening us; wherein Traytors, impatient of longer Delay, reckoning the prolonging of your sacred Majesty’s Life, (which God long preserve) as the great Obstacle in the way to the Consummation of their Hopes; and having in their Prospect a proselyted Prince, immediately to succeed in the Throne of these Kingdoms, resolved to begin their Work with the Assassination of your Majesty; to carry it on with armed Force: to destroy your Protestant Subjects in England; to execute a second Massacre in Ireland; and so with Ease to arrive at the suppression of our Religion, and the subversion of the Government.

‘ When this accursed Conspiracy began to be discovered; they began the smothering it up with the barbarous Murder of a Justice of the Peace, within one of your Majesty’s own Palaces, who had taken some Examinations concerning it.

‘ Amidst these Distractions and Fears, Popish Officers for the Command of Forces, were allowed upon the Musters, by special Orders (surreptitiously obtained from your Majesty) but counter-signed by a Secretary of State, without ever passing under the Tests prescribed by the aforementioned Act of Parliament. In like Manner, above fifty new Commissions were granted about the same time to known Papists, besides a great number of desperate Popish Officers, though out of Command, yet entertained at Half-Pay. When in the next Parliament, the House of Commons were prepared

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to bring to a legal Trial the principal Conspirators in this Plot, that Parliament was first prorogued, and then dissolved. The Interval between the calling and sitting of this Parliament was so long, that now they conceive Hopes of covering all their past Crimes, and gaining a seasonable Time and Advantages of practising them more effectually.

Witnesses are attempted to be corrupted, and not only Promises of Reward, but of the favour of your Majesty's Brother, made the Motives to their Compliance! Divers of the most considerable of your Majesty's Protestant Subjects have Crimes of the highest Nature forged against them; the Charge to be supported by Subornation and Perjury, that they may be destroyed by Forms of Law and Justice.

A Presentment being prepared for a Grand-Jury of Middlesex, against your Majesty's said Brother, the Duke of York (under whose Countenance all the rest shelter themselves) the Grand-Jury were, in an unheard of, and unprecedented, and illegal Manner, discharged; and that with so much haste and fear, lest they should finish that Presentment, that they were prevented from delivering many other Indictments, by them at that Time found against other Popish Recusants. Because a Pamphlet came forth weekly, called, *The weekly Packet of Advice from Rome*; which exposes Popery (as it deserves) as ridiculous to the People; a new and arbitrary Rule of Court was made in your Majesty's Court of King's Bench, (rather like a Star-Chamber, than a Court of Law) That the same should not, for the future, be printed by any Person whatsoever.

We acknowledge your Majesty's Grace and Care, in issuing forth divers Proclamations since the Discovery of the Plot, for the banishing Papists from about this great City, and Residence of your Majesty's Court and the Parliament; but with Trouble of Mind do we humbly inform your Majesty, That, notwithstanding all these Prohibitions, great Numbers of them, and of the most dangerous Sort, to the Terror of your Majesty's Protestant Subjects, do daily resort hither, and abide here. Under these, and other sad Effects and Evidences of the Prevalency of Popery, and its Adherents, We your Majesty's most faithful Commons found this your Majesty's distressed Kingdom, and other Parts of your Dominions, labouring, when we assembled.

And therefore from our Allegiance to your Majesty, our Zeal to our Religion, our Faithfulness to our Country, and our Care of Posterity, We have lately, upon mature Deliberation, proposed one Remedy of these great Evils; without which (in our Judgments) all others will prove vain and fruitless; and (like all deceitful Securities against certain Dangers) will rather expose your Majesty's Person to the
great

great Hazard, and the People, together with all that's valuable to them, as Men or Christians, to utter Ruin and Destruction. We have taken this Occasion of an Access to your Majesty's royal Presence, humbly to lay before your Majesty's great Judgment and gracious Consideration, this most dreadful Design of introducing Popery, and as necessary Consequences of it, all other Calamities, into your Majesty's Kingdoms. And if, after all this, the private Suggestions of the subtle Accomplices of that Party and Design should yet prevail, either to elude, or totally obstruct the faithful Endeavours of Us your Commons, for an happy Settlement of this Kingdom, We shall have this remaining Comfort, That we have freed ourselves from the Guilt of that Blood and Desolation which is like to ensue. But our only Hope, next under God, is in your Sacred Majesty, That, by your great Wisdom and Goodness, we may be effectually secured from Popery, and all the Evils that attend it: And that none but Persons of known Fidelity to your Majesty, and sincere Affections to the Protestant Religion, may be put into any Employment, civil or military; that whilst we shall give a Supply to Tangier, we may be assured we do not augment the Strength of our Popish Adversaries, nor encrease our own Dangers. Which Desires of your faithful Commons, if your Majesty shall graciously vouchsafe to grant, we shall not only be ready to assist your Majesty in Defence of Tangier, but do whatsoever else shall be in our power, to enable your Majesty to protect the Protestant Religion and Interest at home and abroad; and to resist and repel the Attempts of your Majesty's, and the Kingdom's Enemies.

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The same day a Debate arising in the House, on a Motion for an Address to his Majesty to remove George Earl of Halifax from his Majesty's Presence and Councils forever; the Question was put to adjourn the said Debate, and pass'd in the Negative, Yeas 95, Noes 219. After which the said Address was voted.

Proceedings
against the
Earl of Halli-
fax.

The 19th, the House agreed to the Address concerning Sir George Jefferies, which was as follows:

' We your Majesty's most dutiful and loyal Subjects, &c. having received a Complaint against Sir George Jefferies, Knt. your Majesty's Chief Justice of Chester, and heard the Evidence concerning the same, and also what he did alledge and prove in his Defence; and being thereupon fully satisfied that the said Sir George Jefferies, well-knowing, that many of your Protestant Subjects, and particularly those of your great and famous City of London, out of Zeal for the Preservation of the Protestant Religion, and your Majesty's Person and Government, and in hopes to bring the Popish Conspirators

Address con-
cerning Sir
George Jefferies.

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rators to speedy Justice, were about to petition to your Majesty in an humble, dutiful and legal way, for the sitting of this Parliament; the said Sir George Jefferies not regarding his Duty to your Majesty, nor the Welfare of your People, did, on purpose to serve his own private Ends, and to create a Misunderstanding between your Majesty and your Subjects, tho' disguis'd with the Pretence of Service to your Majesty, maliciously declare such Petitioning sometimes to be tumultuous, seditious and illegal; and, at other times, did presume publicly to insinuate and assert, as if your Majesty would deprive the Citizens of London of their Charters, and divers other Privileges and Immunities, and Advantages; and also, of your Royal Favour: And in case they should so petition, there should not be any Meeting or Sitting of Parliament: thereby traducing your Majesty, as if you would not pursue your gracious Intentions, the rather because they were grateful to your good Subjects, do, in most humble manner, beseech your Majesty to remove the said Sir George Jefferies out of the said Place of Chief-Justice of Chester, and out of all other public Offices and Employments under your Majesty.'

His Majesty's Reply was, 'That he would consider of it.'

Sir Gilbert Gerrard prefers Articles of Impeachment against Edward Seymour Esq;

The 26th, Sir Gilbert Gerrard acquainted the House, That he had Articles of Impeachment of High Crimes, Misdemeanours and Offences, against Edward Seymour Esq; a Member, and Treasurer of the Navy; the Contents of which were to the following Effect:

1. That whereas 584,978l. was appropriated by Act of Parliament for the Building 30 Ships of War, and it was enacted that the Treasurer of the Navy should keep all Monies paid on that Account distinct and a-part from all other Monies, and should issue the same by Warrant of the principal Officers and Commissioners of the Navy, to the said specify'd Use, and to no other whatever: The said Edward Seymour, being Treasurer of the Navy, contrary to his Duty, had lent the Sum of 90,000l. at 8 per Cent. Part of the Sum above-mentioned, towards the Support and Continuance of the Army, after such time as by Act of Parliament the said Army ought to be disbanded; whereby the said two several Acts were eluded, and the said Army was kept on foot, to the great Disturbance, Hazard, and Danger of the Peace, and Safety of this Kingdom; and the Nation was afterwards put to a new Charge of raising 200,000l. for the disbanning the said Army.

2. That whereas a Poll-Tax was granted to enable his Majesty to enter into an actual War with France, and for the Repayment of any such Persons as should furnish his Majesty with Money or Stores for that end: And whereas certain

certain East-Land Merchants did supply great Quantities of Naval Stores, on being assur'd that 40,000 l. Part of the Money rais'd by the said Act, was at that time actually in the hands of the said Edward Seymour, which he likewise acknowledged, and did promise to pay the said Merchants in part of Satisfaction for the said Stores; he the said Edward Seymour did issue out the said Sum to the Victuallers of the Navy by way of Advance for Provisions not brought in, contrary to the Meaning of the said Act, and of which the said Merchants did complain in Parliament.

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3. That the said Edward Seymour being Treasurer of the Navy, and then, and still having a Salary of 3000 l. *per Annum* clear for the same, during the time he was Speaker for the late long Parliament, did receive out of the Monies appointed for secret Service the yearly Sum of 3000 l. over and above the said Salary, which was constantly payed to him, as well during the Intervals, as the Sessions of Parliaments; and particularly during the Prorogation of fifteen Months.

4. That during the Dutch War, the said Edward Seymour being one of the Commissioners of Prizes, did fraudulently and unlawfully unlade a Prize-Ship, without Order or Authority, and did house the Lading of the said Ship, and lock up; and afterwards, without the Presence of any Store-Keepers, did sell the same for Muscovado Sugars, and did account with his Majesty for the same as such: when in truth, the said Ship was laden with Cochineal, Indigo, and other Merchandizes of a great Value.

Order'd, That Sir Edward Seymour have a Copy of the said Articles; and that he do put in his Answer the 25th.

The 22d, Mr. Trenchard, according to Order, exhibiting the Address to his Majesty to remove the Earl of Hallifax, when a Motion was made to re-commit the said Address; but pass'd in the Negative, Yeas 101, Noes 213. After which, some Amendments being made to it, it was agreed to by the House, and was as follows:

Most gracious Sovereign, We your Majesty's most dutiful and loyal Subjects, &c. being deeply sensible of the manifold Dangers and Mischiefs that have been occasioned to your Kingdom by the Dissolution of the last Parliament, and by the frequent Prorogations of the present Parliament, whereby the Papists have been greatly encouraged to carry on their wicked and damnable Conspiracies against your Royal Person and Government, and the Protestant Religion now established amongst us, have had many opportunities to contrive false and malicious Plots against the Lives and Honours of several of your loyal Protestant Subjects; and having just reason to believe, that the said Dissolution was promoted

Address to remove Lord Hallifax.

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promoted by the evil and wicked Councils of George Earl of Hallifax, do, therefore, most humbly pray your Majesty, for the taking away all Occasion of Distrust and Jealousies, between your Majesty and us your loyal Commons; and that we may with greater Chearfulness, proceed to perfect those Matters now before us, which tend to the Safety and Honour of your sacred Person and Government, and the Preservation of the true Protestant Religion, both to ourselves and our Posterity, That you would be graciously pleased to remove the said George Earl of Hallifax from your Presence and Councils for ever.

To this Address, some days after, his Majesty was pleas'd to send the following Answer.

' C. R.

His Majesty's
Answer.

' His Majesty, having receiv'd the Address of this House, relating to the Earl of Hallifax, has thought fit to return this Answer: That he conceives the said Address to be liable to several Exceptions: But, having a great Desire to preserve all possible good Understanding with this House, he chuses to decline to enter into Particulars, to avoid all Occasions of Dispute.

' He, therefore, thinks fit to tell them, That he doth not find the Grounds in the Address of this House to be sufficient to induce him to remove the Earl of Hallifax.

' But he answers them at the same time, that whenever the House shall, in a due and regular course, prove any Crime either against the said Earl of Hallifax, or any other Person, who either now is, or hereafter shall be in his Council, he will leave him or them to their own legal Defence, without interposing to protect them.'

Both Houses
address for a
Fast.

The 23d, both Houses agreed to address his Majesty to appoint a Day to be solemnly set apart, wherein both themselves and all his Majesty's Subjects might, by Fasting and Prayer, endeavour a Reconciliation with Almighty God, and with humble and penitent Hearts implore him by his Power and Goodness to divert those Judgments (before enumerated) and defeat the wicked Councils and Devices of our Enemies, &c.

Debate on dis-
missing a Mid-
dlesex Grand-
Jury.

Sir William
Jones,

The same day, several Persons being examined about the dismissing of a Grand-Jury in Middlesex, the following Debate ensued.

' Mr. Speaker, Sir, the Preservation of the Government in general, as well as our particular Safeties, have a dependence upon the Matter that is now before you; in which there are so many Miscarriages so complicated, as there ariseth some Difficulty how to examine them. I cannot but observe, how the Proclamation is here again mentioned; by which you may conclude there lieth a great weight on the
People's

People's Right to petition by means thereof; and that the best way to remove it is, to find out the Advisers and Contrivers of that Proclamation, in order to proceed against them according to their Deserts. Without which, what you have done in asserting the Right of petitioning, will remain with some doubt; and those that advised the proclaiming to the People, that it is seditious to petition the King, without that Chastisement they deserve. And therefore I humbly conceive, you will do well to consider of it as soon as you can. It is not strange, that the Proclamation shall be made use of with Country Gentlemen, to get Abhorrrers to petitioning; seeing the Judges themselves have made use of it to that purpose: They should have known, that though a Proclamation might be of great Use, to intimate the Observation of a Law; yet that it had never been used instead of a Law. But yet I do not admire so much at this, as I do at the Discharge of the Grand-Jury, before they had finished their Presentments. It tends so much to the Subversion of the established Laws of this Land, that I dare pronounce that all the Laws you have already, and all that you can make, will signify nothing against any great Man, unless you can remedy it for the future. I observe, there were two Reasons why this Grand-Jury were so extrajudicially discharged; one, because they would otherwise have presented the Duke of York for a Papist; the other, because they presented a Petition to be delivered to the King, for the sitting of the Parliament; which they said it was not their business to deliver. Tho' I cannot but observe, how, upon other occasions, they did receive Petitions, and delivered them to the King; and all the Difference was, that those Petitions so delivered, were against Sitzings of Parliaments. The truth is, I cannot much condemn them for it; for if they were guilty of such Crimes as the Witnesses have this day given you Information of, I think they had no reason to further Petitions for the Sitting of a Parliament. But, Sir, this Business will need a farther Information; and therefore I humbly pray it may be referred to a Committee.

‘ Mr. Speaker, Sir, I think we are come to the old Times again, when the Judges pretended they had a Rule of Government, as well as a Rule of Law; and that they have acted accordingly. If they did never read *Magna Charta*, I think they are not fit to be Judges; if they have read *Magna Charta*, and do thus so contrary, they deserve a severe Chastisement. To discharge Grand-Juries, of purpose to disappoint them of making their Presentments, is to deprive the Subject of the greatest Benefit and Security the Law hath provided for them. If the Judges, instead of acting by Law, shall be acted by their own Ambition; and

Sir Francis Win-
nington.

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endeavour to get Promotions, rather by worshipping the rising Sun, than by doing justice, this Nation will soon be reduced to a miserable condition. Suppose that after the Discharge of this Grand-Jury, some Person had offered to present some Murder, Treason, or other capital Crime, for want of the Grand-Jury there would have been a Failure of Justice. As Faults committed by Judges are of more dangerous consequence than others to the public; so there do not want Precedents of severer Chastisements for them, than for others. I humbly move you, first, to pass a Vote upon this Business, of discharging Grand-Juries; and then to appoint a Committee to examine the Miscarriages of the Judges in Westminster-Hall, and to report the same with all speed to you.

Silas Titus.

Mr. Speaker, Sir, as it hath been observed, that this Business hath some reference to the Proclamation; so I believe, there is something of the Plot in it too. And therefore I think if this Plot does not go on, it will have the worst luck that ever Plot had; seeing the Judges, as well as most other Persons in public Places, have given it as much Assistance as they could. But whereas some have spoken ill of these Judges, I desire to speak well of them in one thing: I am confident they have herein shewed themselves grateful to their Benefactors; for I do believe, that some of them were preferred to their Places of purpose, because they should do what they have done. Laws of themselves are but dead Letters; unless you can secure the Execution, as well of those you have already, as of those you are now making, we shall spend our Time to little purpose. Therefore I second the Motion that hath been made for a Vote to declare the Sense of the House, as to the discharging of Grand-Juries; and for referring the farther Examination to a Committee.

William Sacheverel.

Mr. Speaker, Sir, the Business of this Debate is a great instance of our sick and languishing Condition. As our Ships, Forts, and Castles, are for securing us from the Danger of our Enemies from abroad, so our Laws from our Enemies at home; and if committed to such Persons as will turn their Strength upon us, are equally dangerous. Sir, We all know how the Government of Scotland hath been quite altered since his Majesty's Restoration, by some Laws made there; pray let us have a care that ours be not altered, by the corrupt Proceedings of Judges, lest we be reduced to the same weak Condition of defending ourselves against Popery and arbitrary Government here, that they are there. If Judges can thus prevent the Penalties of the Law, by discharging Grand-Juries before they have made their Presentments, and can make Laws by their Rules of Court; I think

the Government may soon be subverted; and therefore it is high time for this House to speak with those Gentlemen. Anno 32 Car. II
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In former times several Judges have been impeached, and hanged too, for less Crimes than these; and the reason was because they had broke the King's Oath as well as their own. If what hath been said of some of these Judges be fully proved, they shall not want my Vote to inflict on them the same Chastisement. The truth is, Sir, I know not how the ill Consequences we justly fear from Judges can be prevented, as long as they are made *durante bene-placito*, and have such Dependencies as they have. But this must be a Work of Time: In order to remedy our present Grievances, let us pass a Vote upon this Business of discharging Grand-Juries; and that it may be penned as the Case deserves. If you please, let it be drawn up by a Committee that may withdraw for that purpose; and let there be also one appointed to examine the Miscarriage of the Judges.

Mr. Speaker, Sir, I would beg leave to observe to you, Henry Sidney. because I think it may be necessary to be considered by your Committee, what an opinion was given not long since by some of these Judges about Printing; which was, that Printing of News might be prohibited by Law; and accordingly a Proclamation issued out. I will not take on me to censure the Opinion as illegal, but leave it to your farther Consideration. But I remember there was a Consultation held by the Judges a little before; and they gave their opinion, that they knew not of any way to prevent Printing by Law; because the Act for that purpose was expired. Upon which, some Judges were put out, and new ones put in; and then this other opinion was given. These things are worthy of a serious Examination. For if Treasurers may raise Money by shutting up the Exchequer, borrowing of the Bankers, or Retrenchments; and the Judges make new Laws by an ill Construction, or an ill Execution of the old ones: I conclude, that Parliaments will soon be found useless; and the Liberty of the People an Inconvenience to the Government. And therefore, I think, Sir, you have been well moved to endeavour to pass your Censure on some of these illegal Proceedings by a Vote; and to refer the farther Consideration to a Committee.

Mr. Speaker, in the Front of *Magna Charta* it is said, Sir Francis Win-
nulli negabimus, nulli differemus justitiam; we will defer, or nington *.
deny Justice to no Man: To this the King is sworn, and with this the Judges are entrusted by their Oaths. I admire what they can say for themselves; if they have not read this

M m m 2

Law.

* As it seems strange that the same Person should speak twice to the same purpose in the same Debate, it must be suppos'd a Mistake, though we have not sufficient light left us to rectify it.

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Law, they are not fit to sit upon the Bench: And if they have, I had almost said, they deserve to lose their Heads.

Mr. Speaker, the State of this poor Nation is to be deplored; that in almost all Ages, the Judges who ought to be Preservers of the Laws have endeavoured to destroy them: and that to please a Court-Faction, they have by Treachery attempted to break the Bonds asunder of *Magna Charta*, the great Treasury of our Peace. It was no sooner passed, but a Chief Justice (Hubert de Burg) in that day, persuades the King he was not bound by it; because he was under Age when it was passed. But this sort of Insolence the next Parliament resented, to the Ruin of the pernicious Chief Justice. In the time of Richard II. an unthinking dissolute Prince, there were Judges that did insinuate into the King, that the Parliament were only his Creatures, and depended on his Will, and not on the fundamental Constitutions of the Land: which treacherous Advice proved the Ruin of the King; and for which all those evil Instruments were brought to Justice. In his late Majesty's time, his Misfortunes were occasioned chiefly by the Corruptions of the long Robe; his Judges, by an extrajudicial Opinion, gave the King Power to raise Money, upon any extraordinary occasion, without Parliament; and made the King Judge of such Occasions: Charity prompts me to think they thought this a Service to the King; but the sad Consequences of it may convince all Mankind, that every illegal Act weakens the Royal Interest; and to endeavour to introduce absolute Dominion in these Realms, is the worst of Treasons: Because whilst it bears the Face of Friendship to the King, and designs to be for his Service, it never fails of the contrary Effect.

The two great Pillars of the Government, are Parliaments and Juries; it is this gives us the Title of freeborn Englishmen: For my Notion of free Englishmen is this, that they are ruled by Laws of their own making, and tried by Men of the same condition with themselves. The two great and undoubted Privileges of the People, have been lately invaded by the Judges that now sit in Westminster-Hall; they have espoused Proclamations against Law; they have discountenanced and opposed several legal Acts, that tended to the Sitting of this Honourable House; they have grasped the Legislative Power into their own hands, as in that Instance of Printing; the Parliament was considering that Matter, but they in the interim made their private Opinion to be Law, to supersede the Judgment of this House. They have discharged Grand-Juries, on purpose to quell their Presentments, and shelter great Criminals from Justice; and when Juries have presented their Opinion for the Sitting

ting of this Parliament, they have in Disdain thrown them at their Feet, and told them they would be no Messengers to carry such Petitions; and yet in a few days after, have encouraged all that would spit their venom against the Government: they have served an ignorant and arbitrary Faction, and been the Messengers of Abhorrences to the King.

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‘ Mr. Speaker, what we have now to do, is to load them with Shame, who bid defiance to the Law: They are guilty of Crimes against Nature, against the King, against their Knowledge, and against Posterity. The whole Frame of Nature doth loudly and daily petition to God their Creator; and Kings, like God, may be addressed to in like manner, by Petition, not Command. They likewise knew it was lawful to petition: Ignorance can be no Plea, and their Knowledge aggravates their Crimes; the Children unborn are bound to curse such Proceedings, for ’twas not Petitioning, but Parliaments they abhorred. The Atheist pleads against a God, not that he disbelieves a Deity, but would have it so. Tresilian and Belknap were Judges too; their Learning gave them Honour, but their Villainies made their Exit by a Rope. The End of my Motion therefore is, that we may address warmly to our Prince against them: Let us settle a Committee to enquire into their Crimes, and not fail of doing justice upon them that have perverted it; let us purge the Fountain, and the Streams will issue pure.’

Resolved, That the discharging of a Grand Jury by any Judge, before the End of the Term, Assizes, or Sessions, while Matters are under their Consideration, and not presented, is arbitrary, illegal, destructive to public Justice, a manifest Violation of his Oath, and is a means to subvert the fundamental Laws of this Kingdom.

Votes in consequence of this Debate.

Resolved, That a Committee be appointed to examine the Proceedings of the Judges in Westminster-Hall, and report the same, with their Opinion thereon, to this House.

The 24th, Mr. Attorney-General being call’d in, and examin’d touching the manner of issuing forth the Proclamation, stiled, A Proclamation against tumultuous Petitioning; and giving account to the House, that Sir Francis North, Chief Justice of the Common-Pleas, was advising and assisting at the said drawing and passing the said Proclamation: It occasion’d a Debate, which terminated in the following Resolution:

‘ That the Evidence this Day given to this House against Sir Francis North, Chief Justice of the Common-Pleas, is sufficient ground for this House to proceed upon an Impeachment against him for high Crimes and Misdemeanours; and the Heads of an Impeachment were ordered to be prepared accordingly.’

An Impeachment order’d against Ld Chief Justice North,

The

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1680.

Another against
Mr. Seymour.

The 26th, the House resumed the Impeachment of Mr. Seymour. Resolv'd *nem. con.* That there was Matter sufficient to impeach the said Mr. Seymour, on every Article exhibited against him; and order'd, that a Committee be appointed to prepare the said Impeachment.

The 27th, in compliance with a Message from the Lords, a Committee was appointed to meet a Committee of the Lords to adjust the Methods and Circumstances in the Trial of the Lord Viscount Stafford.

Report from the
joint Committee
of both Houses
relating to Lord
Stafford's Trial.

The 29th, Sir William Jones reported from the said joint Committee, That the said Committee did meet on Saturday last, and that the Committee of the Lords being ask'd by the Committee of this House, whether their Lordships had any Propositions to make to the said Committee, touching the Methods to be observ'd in the Trials of the Lords in the Tower? Their Lordships made answer, that the Lords had sent down a Paper to this House, containing several Propositions, and that the Committee Lords knew of no other Propositions.

That their Lordships being ask'd, whether the Commission of the Lord High-Steward was drawn in the same manner as that in the last Parliament; and whether the Clause *cujus Presentia in hac Parte requiritur*, were inserted: Their Lordships answer'd, that they could not give any account thereof; but that they would make Report of the said Propositions to the House of Peers, and would afterwards give answer to the Committee therein.

That their Lordships being ask'd, whether they would give any assurance that the Lords Spiritual would be absent at the Trials? Their Lordships answer'd, that they had no power from the House of Lords to give any account in that matter; but that their Lordships would report the same to the House of Peers, and return an Answer to the said Committee at the next Meeting, which was agreed to be that day at 12 o'clock.

The same day the House resolv'd to come as a Committee to the Trial of the Lord Stafford, upon the Impeachment of the Commons.

The second
Report.

The same day likewise, Sir William Jones made his second Report from the joint Committee, *viz.*

That the Committee being met, their Lordships return'd an Answer to several Propositions made by the Committee of their House as follows:

That as to the Question, whether the Lord High Steward's Commission be the same as it was the last Parliament, the Lords answer'd that the Commission differ'd not from the former, otherwise than that the Name of the Lord High-Steward is inserted in this, in the Place where the

the Names of the five Popish Lords impeached, were inserted in the last.

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‘ That, as touching the Lords Spiritual, their Lordships have return’d Assurance that they will not be present at the Trial.

‘ That their Lordships acquainted the said Committee, that the Prisoner is to be brought to-morrow Morning, at 10 o’clock.

‘ That the said Committee having acquainted the Lords Committee with the Vote of this House of coming to the Trial of Lord Stafford as a Committee, made a Proposal to the said Lords, taking no notice of the Rules sent down from the Lords, *viz.* That when the Commons should be ask’d any Question in the Trial, they should apply themselves to the Lord High-Steward; and that the Committee making some Exceptions thereto, they taking the Lord High Steward not as a necessary Part of the Court, but only as the Speaker of the House of Lords; alledging, that when the Commons speak to the Court, they ought to say, My Lords, not My Lord, or your Grace: and that then the Committee adjourn’d to nine o’clock to-morrow Morning.’

End of the First Tome.



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